

LEGISLATIVE DEPARTMENT OF MASSACHUSETTS
341 STATE HOUSE
BOSTON, MASSACHUSETTS 02133

The Massachusetts Courts



1973-1974

COURT HOUSE and TOWN HOUSE NEWBURYPORT

On October 2, 1804, a committee of the town was appointed to join with the Court of Sessions "to contract & build a Court house between the Mall & Frog Pond, directly fronting the head of Green Street." The project was to be a joint one, with the town occupying the building only for its annual meetings and the additional privilege of using one of the first-floor rooms as a summer school for girls. On July 23, 1805, William Bentley recorded viewing "the foundation of the new Court House in the mall." Presumably the structure was completed that year in a style somewhat reminiscent of old Faneuil Hall, with an open arcade fronting the mall and the principal rooms in the second story. The building was described as "stately"; above the pediment, "in bold relief, stood a female figure, representing Justice, holding a pair of scales in her right hand." Bentley, who was the principal contemporary critic of Bulfinch's architecture, was not pleased; "The Court House is near the Pond, but the white marble which marks its stories has not the power on me that a simple facade would have." The white marble, and almost all other traces of Bulfinch's design, vanished when the building was "modernized and finished with mastic cement" in 1853.

The only surviving representation of the Bulfinch structure is a pencil sketch "drawn from memory by an old resident," which gives at best an imperfect impression of the architect's conception.

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Harold Kirker, author
The Architecture of Charles
Bulfinch
Harvard University Press

Acknowledgements

Special thanks to the Honorable Andrew Linscott, Edgar J. Bellefontaine and James B. Muldoon for their contribution of historical documents and photographs.

THE COMMONWEALTH OF MASSACHUSETTS

EIGHTEENTH ANNUAL REPORT

to the

JUSTICES OF THE

SUPREME JUDICIAL COURT

By the

EXECUTIVE SECRETARY

as of

JUNE 30, 1974

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Introduction and Highlights

The Government & People of the Colony of the Massachusetts Bay

Suffolk

~~Al. F. N. T. L. by the Grace of GOD, of Great Britain, France, and~~
~~His Majesty's Defender of the Faith, &c. 1711~~

To the Sheriff of our County of *Suffolk* or to either of the Constables of the Town his Under-Sheriff, or Deputy, Greeting.

WE Command you to Attach the Goods or Estate of *Peter Dyer of Baintree in*
our County of Suffolk, Yeoman.

to the Value of *Five hundred* Pounds, and for want thereof
to take the Body of the said *Pater* (if he may be found in your
Precinct) and *him* safely keep, so that you have *him* before Our Justices of Our Inferiour Court
of Common Pleas next to be holden at *Dedham* within and for Our said County of *Suffolk*
on the *second* Tuesday of *July* next: Then and there in Our said Court to answer unto

Thomas Newell of Boston in said County Yeoman, in a Plea of Trover
on the Case, for that the said Thomas on the first Day of January last at
said Boston was possessed of a certain black Horse of the Value of twelve
pounds lawful money as of his own proper Horse & being so possessed
there afterwards the same Day casually lost the same Horse out of his
the s^d Thomas's hands & possession, which said Horse there afterwards the same
Day came to the Hands & possession of the said Peter by finding. Yet the said
Pet^r knowing the said Horse to be the Property of the s^d Thomas, craftily, contriving & in-
tending to defraud the s^d Thomas of his said Horse, doth requested hath first delivered the
Horse to the s^d Thomas, but there afterwards on the Day of the purchase of this Writ, converted
the same Horse To the Damage of the said Thomas Newell (as he saith)
to his own Use the Sum of Fifteen Pounds, which shall then and there be made
to appear with other due Demons^{tr} And have now

the Sum of *Fifteen* *Pound*, which shall then and there be made
to appear, with other due Damages: And have you there this Writ, with your Doings therein.

Witness Thomas Cushing — Esq; at Dedham this fifth Day of June

Annoque Domini, 1776

Edw. Bell (UK)

Supp L.

Boston Jan 5. 1776

By virtue of this writt I have taken a
Black horse as the property of the deft and
Left a Summ ony with him.

Joseph Foy Condeley

fact

COPY OF A CIVIL WRIT FROM 1775

This action related to a dispute over the ownership of a certain black horse. The constable by the writ took the horse out of the possession of the defendant. An interesting question arises as to who was responsible for the care of the attached goods. (Note: the case was called in January 1777 where the parties appeared and reported the matter settled.)

Of particular interest is the fact that the case was commenced on June 5, 1776, a month before the Declaration of Independence was signed in Philadelphia, yet the plaintiff and the clerk had the courage to boldly strike from the writ the caption containing the memo of King George III.

INTRODUCTION

The Eighteenth Annual Report to the Justices of the Supreme Judicial Court, as of June 30, 1974, represents a significant step in the efforts of the Massachusetts courts to improve and strengthen their own planning and management capabilities. Many people throughout the court system have helped to write sections, or have suggested methods of improving its format. With the support of the Justices and others, this office has prepared and contracted for the publication of the report at a considerable savings in time and money without, it is hoped, a sacrifice in physical appearance or in the tradition of Public Document No. 166, its seventeen predecessors, on which much of this report is based. A section on highlights of the report is included for anyone who has no time or need to read the entire text or appendices. The enormous amount of statistical material furnished to this office by courts, county commissioners, the bureau of accounts, the comptroller and others has been for the first time presented wherever possible in graph form, and to David Gale of this office for this work both I and everyone else who tries to understand this information should be grateful.

These changes, like so much work by the courts to improve their own administration, could not happen without support from the executive and legislative branches. The cooperation of the office of the State Purchasing Agent is expressly acknowledged.

Although the report is written as of June 30, 1974, it is in this place where I should mention the support and help given to this office by Frederic F. Meuse, Esq., an Assistant Executive Secretary who served four Executive Secretaries from the creation of this office in 1956 until his unfortunate death on March 11, 1975. His infinite number of friends know well how he contributed to the goals and purpose of this office and the better administration of Massachusetts justice.

1.	The Supreme Judicial Court reduced by 25% the average number of days from entry to decision apparently in part due to the work of the Appeals Court in relieving the appellate caseload of the Supreme Judicial Court	5,8
2.	In 1974 six counties in Massachusetts were among the twelve slowest counties in the United States in reaching personal injury jury trials. Superior Court entry figures suggest a slight decline in the number of civil and criminal entries in 1974	6
3.	The Rules of Civil and Appellate Procedure were adopted to take effect on July 1, 1974	37
4.	Total federal, state and local expenditures for the Massachusetts courts were 78.4-million dollars, a 17% increase over 1973. Total revenue collected through filing fees, fines, etc. was 14.9-million dollars	9
5.	Total expenditures by the Commonwealth on the courts in 1974 were 4/10 of 1% of the state budget. Were the state to pay the entire costs of the courts the percentage would be less than 2%	11
6.	On March 1, 1974 the Judicial Conference met and subsequently presented its first coherent package of legislation to the legislature.	34
7.	Massachusetts Defenders Committee caseloads have increased 25% over 1973 as has its legal staff	35
8.	Average awards to victims of violent crimes have increased from less than \$2,000 in 1973 to \$4,725 in 1974	36
9.	The legislature created an additional method in 1973 for courts wishing to dispose of old records	25
10.	A system of pre-trial conferences was commenced in Suffolk County by order of Chief Justice Walter H. McLaughlin of the Superior Court	40
11.	The Probate Courts are working to consolidate their forms and to have them purchased through one central source pursuant to a statute of great potential benefit to the judiciary allowing counties to collectively purchase common items	42
12.	The Boston Municipal Court opened an administrative office and commenced a program to provide counsel for "the forgotten American", the marginally indigent defendant	47

13.	A colorful and detailed illustration of the condition of some of our court facilities was written on March 29, 1973; no perceptible change has occurred since then	22
14.	The legislature created a new Hampden County Housing Court which commenced operation in December of 1973	48
15.	The Middlesex County Courthouse opened.	28
16.	An example of community-court cooperation are the programs of the Worcester County Juvenile Court, but the need of this court for a secure treatment facility is equally typical.	49
17.	1158 persons were admitted to the Massachusetts Bar, 43 without examination. 59% of those taking Massachusetts first multi-state bar examination passed	36

Administration in the Courts

Forreiners
libertie.

Iustice.

IT is ordered, and by this Court declared; that every person within this Jurisdiction, whether Inhabitant or other shall enjoy the same justice and law that is general for this Jurisdiction which wee constitute and execute one towards another, in all cases proper to our cognifance without partialitie or delay . [1641]

(Declaration that all persons coming before the courts shall have justice without partiality or delay.) *Body of Liberties (1641)*.

COURT MANAGEMENT

The courts in Massachusetts are big business. In 1974 the combined court system of the Commonwealth had 269 judges, over 6,000 non-judicial personnel, a budget of \$78.4-million and a workload of approximately 1.7 million entries. The responsibility for the management of the Judicial Department is left mainly to judges, whose primary duty is the adjudication of cases, and who sometimes have little interest in, or preparation for, court management and planning. As judicial workload has been increasing over the years, decreasing amounts of time have been available even to those judges with a concern for management. One result is a system in which administrative responsibilities are fragmented among various officials: judges, clerks, sheriffs, district attorneys, legislators, county commissioners and others, with little structure or accountability established.

Our court system, like every other, is in need of professional management techniques. As Earl Warren said in a speech in 1969, *"In many places the courts are using anachronistic procedures. They are not using the management that every other institution in America today has built up for itself...they have never totally committed themselves to the proposition of making the system work."*

The legislature created this office in 1956 to help make the system work. Our job is support: to support the many hard-working people in the courts, to help make cases move through the courts, to help however we can in providing them with basic fundamentals (court offices that do not leak in the rain, for example) and modern tools (automated management information systems, for example).

Some progress was made in these areas in fiscal 1974. Facilities and equipment; records storage; continuing education of judges, clerks, district attorneys and other court personnel; court reform, both legislated and by court rule; complaints concerning court operations; court financing; administrative structures of the various courts; and improvement of communication among the courts are the primary areas on which the energies of the office were focused. Much support from the administrative offices of the other courts, the Committee on Criminal Justice and the National Center for State Courts was expected, requested and consistently provided.

To assist in the basic information gathering function of the office, emphasis has been placed on data processing as a management tool. Plans call for the establishment of a Judicial Data Processing Center to service the automation needs of all courts of the state as well as those of the commissioner of probation. The initial emphasis will be on data processing in the Superior Court through implementation of a Criminal Case Management System (CCMS).

The purpose of CCMS is to apply modern management procedures, including the use of a computer and remote teleprocessing terminals to manage the flow of cases through the Superior Court. The computer will allow conflict-free scheduling of cases, produce immediate information on the status of pending cases and will help the court to drastically reduce continuances.

The justices of the Supreme Judicial Court and the Superior Court have recognized that important changes and improvements in court rules and procedures will be necessary in order to modernize certain areas of judicial administration. Consequently, Chief Justice Walter H. McLaughlin has appointed a committee of judges and clerks of the Superior Court with the mandate to approve the plans and specifications of the Criminal Case Management System and recommend necessary rules of court and changes in procedures.

The Superior Court has also progressed in automating the management of jurors in Suffolk County. Juror summonses are prepared by computer and mailed to the jurors. Juror lists, attendance forms, ballots, and payrolls are also automatically prepared by the computer. In addition, Chief Justice McLaughlin is being provided statistics on the utilization of jurors, with preliminary indications that fewer jurors could be summoned into the jury pool without substantially affecting the efficiency of the sessions in Suffolk County. Thus manual management systems (for monitoring the progress of court stenographers, for example) are complemented by more sophisticated equipment.

It is hoped that the development of both CCMS and the Judicial Data Processing Center will be given support by a \$200,000 grant from the Law Enforcement Assistance Administration. As of June 30, 1974, the Judicial Data Processing Center had not received the requested funds, but was proceeding with the application process. If the grant is approved, the funds will be used for data processing in the Probate Courts and the Probation Department, in addition to CCMS.

Courses in data processing for court personnel were taught by the director of data processing, Alex Wilson. Further courses are anticipated in the near future in view of the increased role this management tool is expected to assume in court administration.

DELAY IN COURT

The Superior Court continued to face serious delay problems in 1974 on both civil and criminal sides. In addition, there was increased delay for cases in the Appeals Court, the Probate Courts, and for the overall appeals process in the Commonwealth. On a positive note, in 1974 the Supreme Judicial Court reduced by 25% the average number of days from entry to decision for appeals heard by the Court.

The rapid increase in criminal entries in the Superior Court over the past ten years has affected both criminal and civil sides of the Court, since so many sessions have been switched over to criminal trials. On the civil side, for example, the 1974 Calendar Status Study of the Institute of Judicial Administration lists six Massachusetts counties among the twenty courts in the United States showing the greatest delay in reaching personal injury jury cases for trial in trial courts of general jurisdiction. Moreover, of the ten slowest courts in the study, five were in Massachusetts.

Institute of Judicial Administration
40 Washington Square South
NYC 10012
212-598-7721

The 1974 study of the Institute for Judicial Administration measures the average number of months between service of answer and trial of a civil jury case in the Superior Court, as compared to 1973:

	1973	(months)	1974
Middlesex (Cambridge)	51		66
Norfolk (Dedham)	43		60
Hampden (Springfield)	42		47
Suffolk (Boston)	43		42
Essex (Lawrence)	36		41
Worcester	32		40

The study ranks these courts on a nationwide basis as the slowest, second slowest, fifth slowest ninth slowest, tenth slowest, and twelfth slowest, respectively. Three years ago, in the Institute's 1971 study, only one Massachusetts court ranked among the ten slowest in the nation.

Figures 1, 2, and 3 illustrate ten-year trends in backlog and delay for criminal cases and civil cases (including equity) in the Superior Courts. Clearly, there are problems in this court which should be immediately faced. One facet of solving the problems will of course be the improved management procedures already instituted by Chief Justice McLaughlin which are outlined in other portions of this report. But more importantly, the Superior Court has for several years had a manpower shortage, especially in the number of judges in the Court. A study conducted by Edwin Hawkridge of this office indicates that even if there were no Superior Court judge days lost through illness or delay in filling vacancies, and even if there was no increase in the number of entries per year, it would still take about nine years to reduce the backlog to reasonable levels of 35,000 civil cases and 6,000 criminal cases.

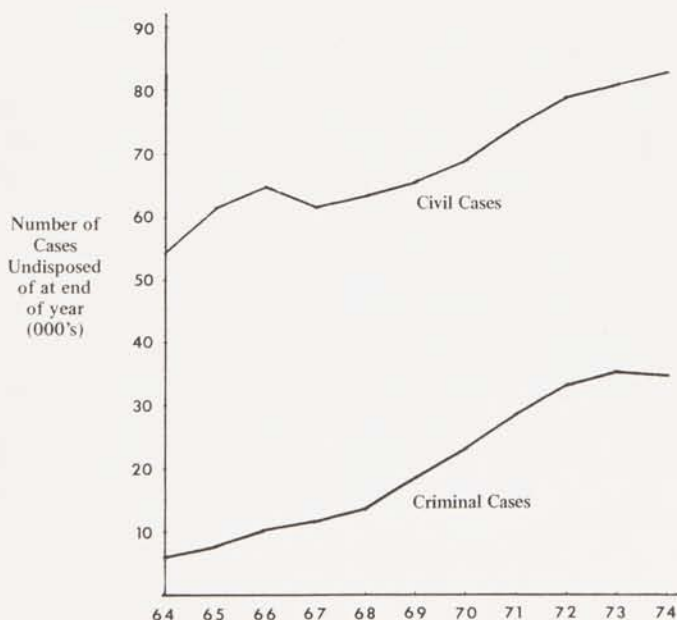


FIG. 1: Civil and Criminal Backlog in the Superior Court, 1964-1974.

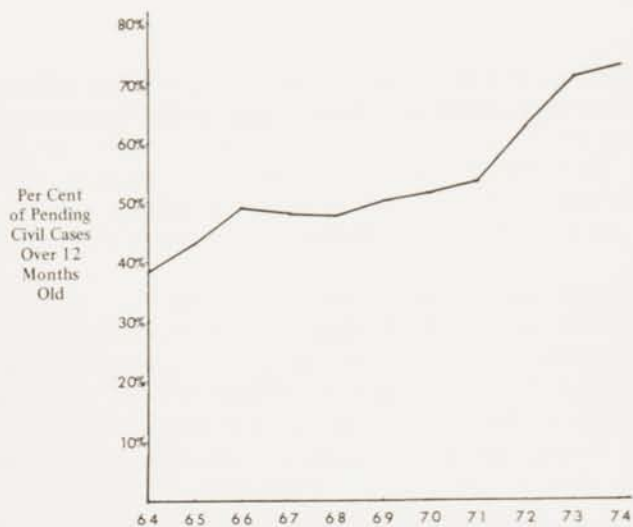


FIG. 2: Per Cent of Pending Civil Cases over 12 months old in the Superior Court, 1964-1974.

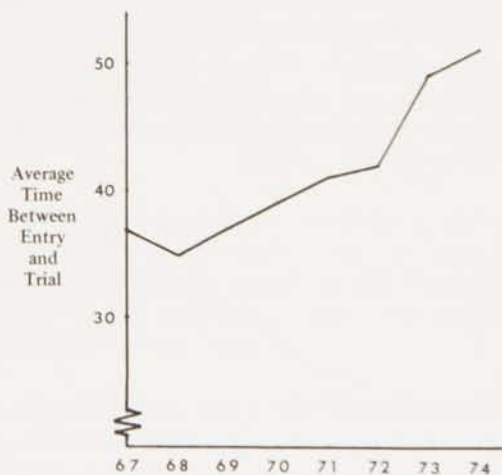


FIG. 3: Average Time Between Service of Answer and Trial in Superior Court Personal Injury Jury Trial Civil Cases, for Massachusetts courts listed in the Institute of Judicial Administration Study, 1967-1974.

For these reasons it is again recommended that the legislature expand the bench in the Superior Court, either through recall of retired judges or by an increase in the present quota of 46 judges.

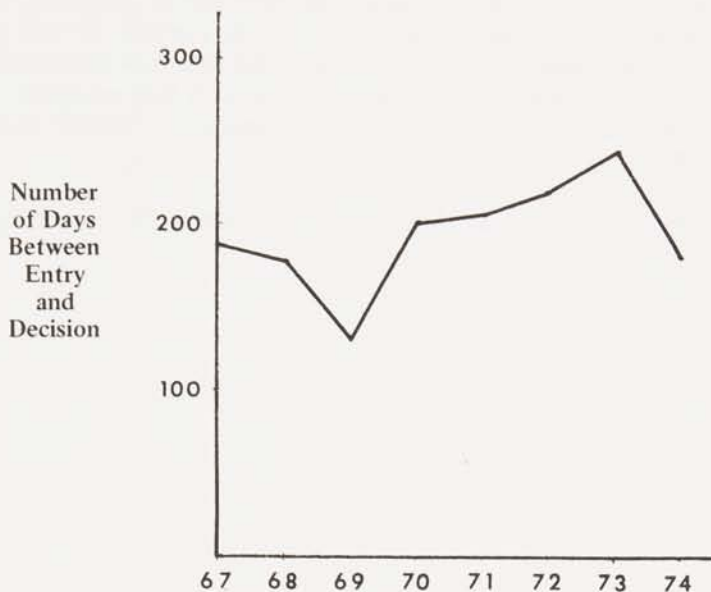


FIG. 4: Average Time Between Entry and Decision for Cases Appealed to the Supreme Judicial Court, 1967-1974.

As mentioned earlier, the time required on the average for cases appealed to the Supreme Judicial Court was substantially reduced in 1974. Figure 4 illustrates the reversal of a trend of lengthening cases in the Supreme Judicial Court. This is particularly significant in that the Supreme Judicial Court handles cases of broad impact upon the Commonwealth, and a reduction in delay in decisions of the Court therefore directly benefits the entire court system.

FINANCING THE COURTS

It should not be difficult to determine accurately the amount of money spent annually to operate our courts, but it is. Many expenditure areas – such as maintenance expense on buildings used only partially as courthouses – are court related but are not solely court expenditures. This office has attempted to determine the cost of operating the judicial system by allocating these costs in as reasonable a manner as possible.

For the fiscal year 1974, total court expenditures in Massachusetts from federal, state, and county sources were \$78.4 million, compared to fiscal 1973 expenditures of \$64.9 million. In 1974, however, we have for the first time included federal expenditures in the total. Since these federal expenditures were \$2.7 million, a more accurate comparison of 1974 to 1973 is \$75.7 million to \$64.9 million, which represents a 17% increase. In 1973, by contrast, court expenditures increased 22% over 1972.

The \$78.4 million total is a "gross" expenditure figure. In addition to spending money, the courts also generate revenue from filing fees, fines, forfeitures, parking tickets, and other levies. In 1974 the total revenues collected by the courts in this manner amounted to \$14.9 million. Therefore, the "net" cost of the courts (total expenditures less revenues) was \$63.5 million, compared to \$51.6 million in 1973. Allowing once again for federal expenditures, this represented an increase of 18%.

Money collected by the courts is deposited to state and county treasuries and is not used by the courts to fund their operations.

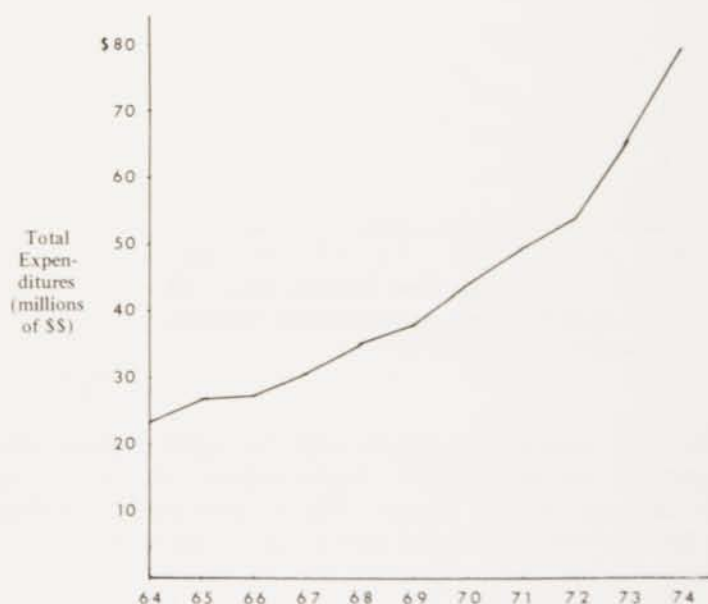


FIG. 5: Total Expenditures for all Courts in the Commonwealth, 1964-1974.

As is illustrated by Figure 5, court expenditures have steadily increased from 1960 to 1974. At the same time, however, the number of entries into the court system has also risen, and there has been, especially in the last two years, a significant amount of inflation. In an attempt to determine what the net effect of these three factors is, one can compute the "cost per entry" in constant dollars for the entire court system. The result of such calculations is depicted in Figure 6, which shows that the cost per entry was highest in 1960, reached a low point in 1972, and has increased slightly the last two years.

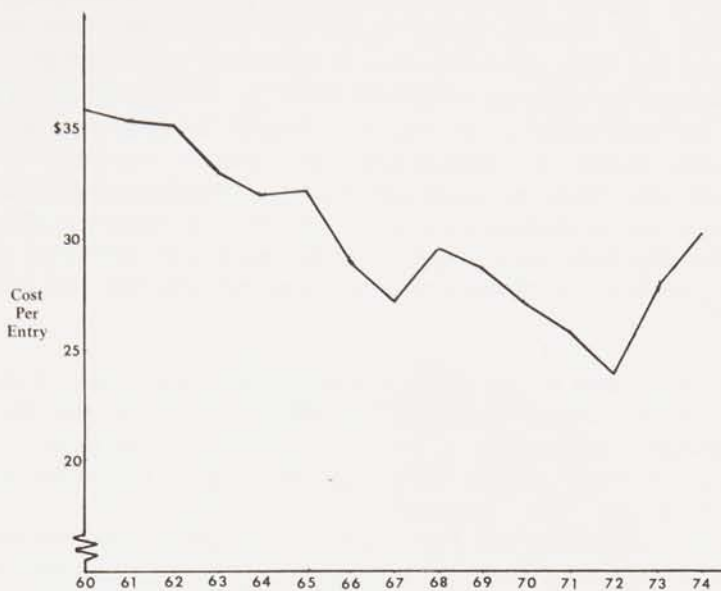


FIG. 6: Total Cost Per Entry in Constant Dollars * for the courts in the Commonwealth, 1960-1974.
 *See p. 63 for calculations.

Unfortunately, these figures are imprecise estimates because a large percentage of entries (about 55%) are minor traffic violations requiring little court time. But judging from the sketchy data we have, it would seem that the increases in judicial costs from 1960-1974 are in line with the increased number of criminal and civil conflicts requiring adjudication during the same period.

However, certain characteristics of the present system of court financing have hindered the judicial system from effectively reacting to the increasing demands upon it over the past two decades. Even though costs have increased only at a rate consistent with increasing entries into the system, the system has had major difficulties in *disposing* of those entries (as pointed out in the "Delay in Court" section of this report).

One of the reasons the courts have difficulty managing their caseload is the unwieldy nature of budgeting in the Commonwealth. At present over 400 budgets are separately prepared in the court system, and each budget must be individually approved by the legislature. As the American Judicature Society noted in its 1973 report, *Financing Massachusetts Courts*, this type of budgeting procedure by its nature prevents effective administration of the courts:

["The extent to which any state is capable of resolving major problems facing its courts is determined largely by the nature and extent of its court financing and the quality of its budgetary process. Excessive delay in both civil and criminal cases, inadequate court and court-related facilities, and the difficulties inherent in attracting and retaining qualified judicial and non-judicial personnel often can be traced directly, or indirectly, to inadequate court funding, usually in combination with improper and inefficient management of available resources. These twin evils are not easily resolved, particularly if established procedures for financing the operations of a court system and budgeting for the costs of running that system are so fragmented and disparate as to effectively preclude the efficient management and allocation of judicial resources."]

The American Judicature Society report recommends that the Massachusetts courts should be funded through a system of "unitary budgeting," in which all judicial costs are funded by the state within a single budget administered by the judicial branch. The concept is not new. In the first Annual Report of this office in 1957, John Daly, then Executive Secretary of the Supreme Judicial Court, wrote: *"The time has come to recognize without exception that the administration of justice throughout the entire state is the direct concern of the state as a whole, and that all court expenses should be borne by the state and all income received by it."* (p. 23, First Annual Report)

In addition to facilitating court management, a unitary budgeting process would also help to eliminate the inequities which now exist between courts in different parts of the Commonwealth. Historically, areas with less favorable economic circumstances have tended to have courts with less resources than the courts in more affluent areas. This situation may be in violation of constitutional provisions requiring equal protection for all citizens on the state.

As shown in Figure 7, in 1974 the Commonwealth funded about 19% of total judicial costs, while the counties funded about 78% of the total (the remaining 3% was funded by the federal government).

The total expenditures of the Commonwealth for the courts amounted to 4/10ths of 1% of total Commonwealth expenditures in all areas in 1974. Had there been a system of unitary budgeting in effect in 1974, the Commonwealth would have spent about 2% of its total budget on the judiciary, and the counties, which now spend about 52% of their total budget on courts, would have had no court expenditures. Since counties raise money primarily through local property taxes, a system of unitary budgeting should result in reduced property taxes.

In summary, a unitary budgeting process for the courts would: (1) facilitate court planning and management, (2) provide for uniform court treatment for citizens throughout the Commonwealth, and (3) decrease property taxes.

The implementation of unitary budgeting could be achieved in three to five years, and could be accomplished by a court finance committee working in cooperation among all the courts, the legislature and the executive branch.

If unitary budgeting were to be implemented the budgeting procedure might be as follows: first, single unified budgets would be prepared for the Supreme Judicial Court, Appeals Court, Superior Court, Probate Courts, Housing Courts, Land Court, District Courts and Juvenile Courts; second, these budgets would be consolidated into one comprehensive state court budget; third, the governor and the legislature could then make lump sum, and not line item, changes in the budget; fourth, funds appropriated to the courts by the legislature and the governor would be placed in a judicial account and be subject to independent audit at the end of each fiscal year.

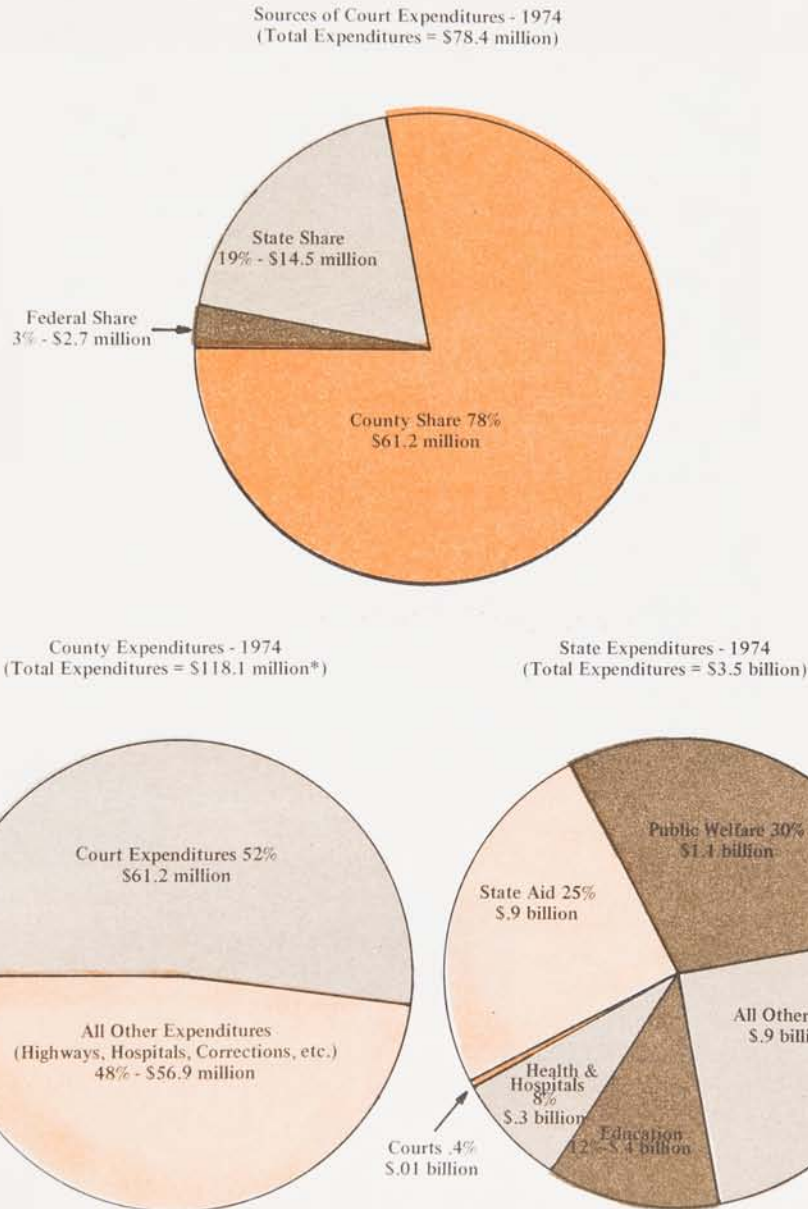
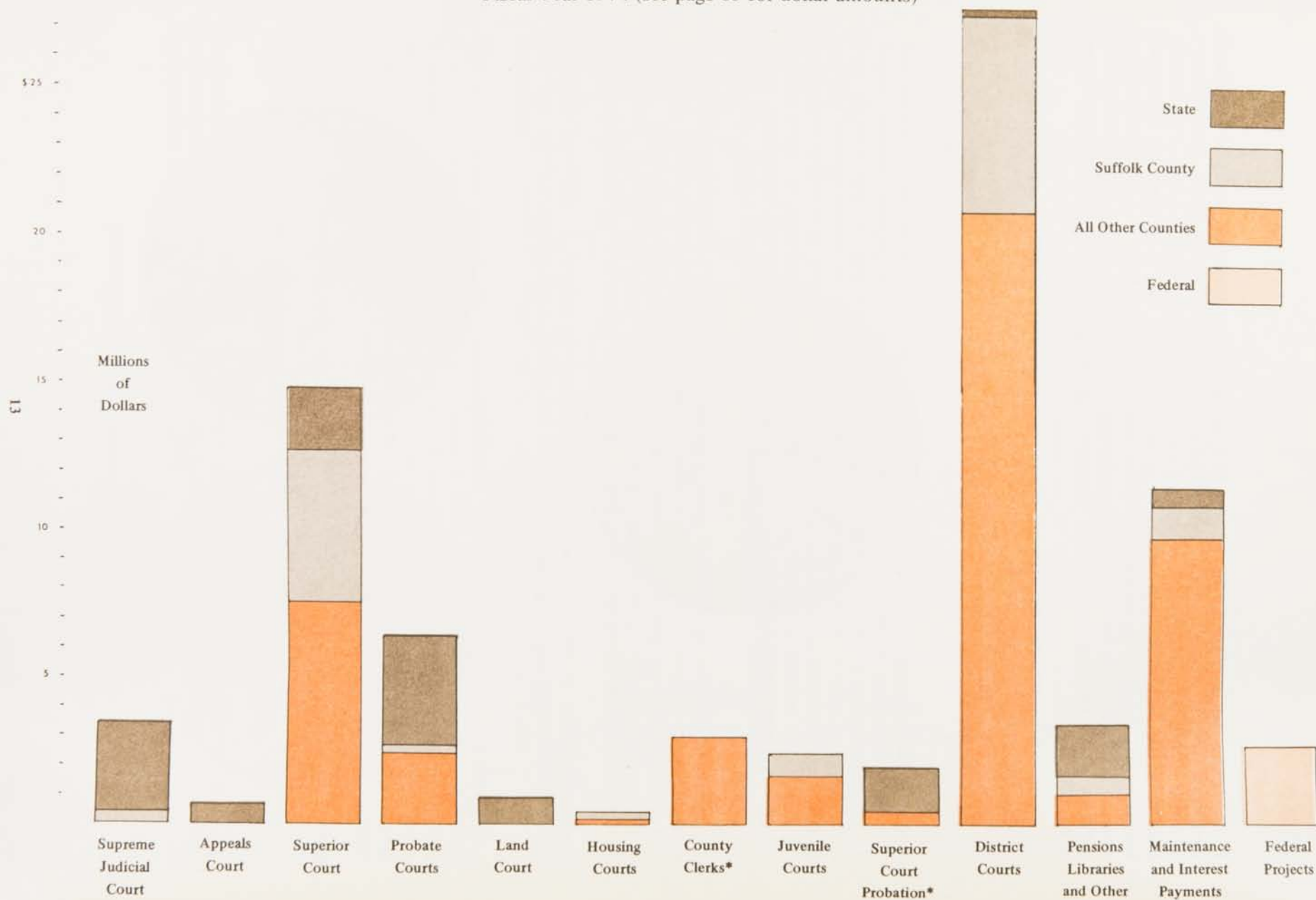


FIG. 7: ILLUSTRATION OF COURT, COUNTY, AND STATE EXPENDITURES.

* Annualized from 18 month expenditures.

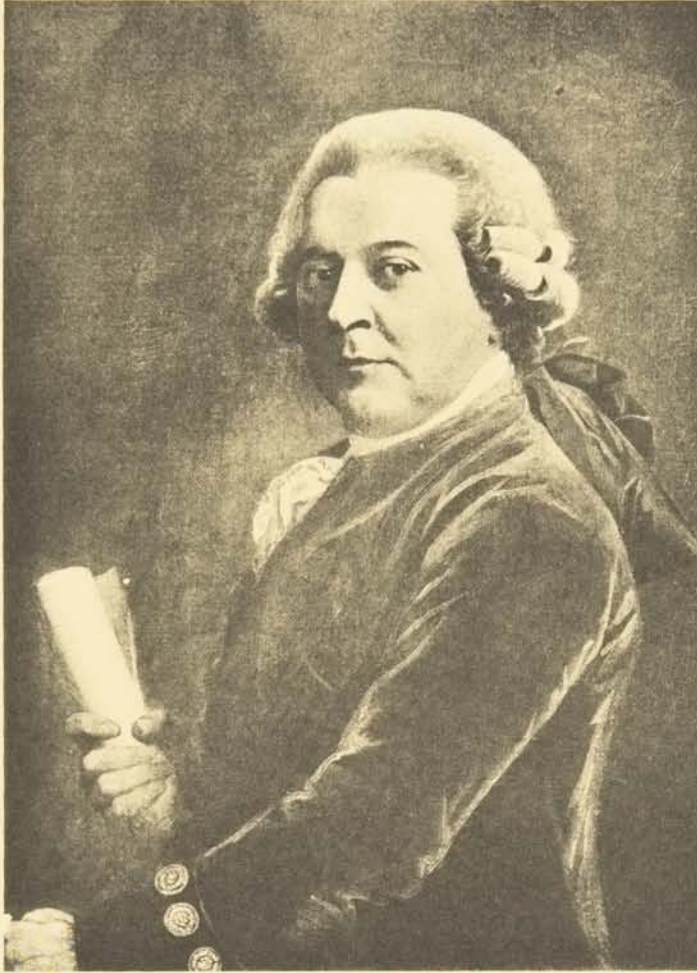
budget for FY ending June 30, 1976 - 12 (727-2087)
#3.753 331 545

FIG. 8: CHART ILLUSTRATING WHERE STATE, COUNTY AND FEDERAL COURT FUNDS WERE SPENT IN THE COMMONWEALTH
Fiscal Year 1974 (see page 63 for dollar amounts)



* Suffolk County expense for this category not available.

The Judiciary



JOHN ADAMS

In leading the 1774 revolt against the Royal judges of the Superior Court of Judicature John Adams personified the close of the Colonial era and the commencement of the new independent court of which he was the First Chief Justice. Commitments to other concerns of the new state and nation prevented Adams from taking his position on the Court but his historical role was truly significant.



*G. Joseph Tauro
Chief Justice*



*Francis J. Quirico
Associate Justice*



*Paul C. Reardon
Associate Justice*

MASSACHUSETTS

SUPREME JUDICIAL COURT

1973-1974



*Edward F. Hennessey
Associate Justice*



*Robert Braucher
Associate Justice*



*Herbert P. Wilkins
Associate Justice*



*Benjamin Kaplan
Associate Justice*

SUPREME JUDICIAL COURT

Chief Justice

G. Joseph Tauro

Associate Justices

Paul C. Reardon

Francis J. Quirico

Robert Braucher

Edward F. Hennessey

Benjamin Kaplan

Herbert P. Wilkins

APPEALS COURT

Chief Justice

Allan M. Hale

Associate Justices

David A. Rose

Edmund V. Keville

Reuben Goodman

Donald R. Grant

Christopher J. Armstrong

THE SUPERIOR COURT

Chief Justice

Walter H. McLaughlin

Associate Justices

John H. Meagher
August C. Taveira
John W. Coddaira, Jr.
James L. Vallely
Robert Sullivan
Francis John Good
Vincent R. Brogna
Francis L. Lappin
Joseph Ford
Harry Kalus
Robert H. Beaudreau
Henry H. Chmielinski, Jr.
Cornelius J. Moynihan
George P. Ponte
Joseph S. Mitchell, Jr.
Samuel T. Tisdale
James C. Roy
Andrew R. Linscott
Edward H. Bennett, Jr.
Henry M. Leen
Alan J. Dimond
Paul V. Rutledge
Paul K. Connolly

Thomas E. Dwyer
John F. Moriarty
Paul A. Tamburello
Herbert F. Travers, Jr.
John J. McNaught
George J. Hayer
Ruth I. Abrams
James P. Lynch, Jr.
Kent B. Smith
Raymond R. Cross
Arthur M. Mason
Harry Zarrow
Eileen P. Griffin
Roger J. Donahue
David S. Nelson
James P. McGuire
Robert J. Hallisey
Samuel Adams
John P. Sullivan
John T. Ronan
Thomas R. Morse, Jr.
Francis Keating
Robert S. Prince

LAND COURT

Judge

William I. Randall

Associate Judges

Marilyn M. Sullivan
John E. Fenton, Jr.

PROBATE COURTS

Chief Judge
Alfred L. Podolski

Associate Judges

Barnstable County
Alfred C. Knight

Bristol County
Beatrice H. Mullaney
Ernest I. Rotenberg

Essex County
Henry R. Mayo
Albert P. Pettoruto

Hampden County
Abraham I. Smith
Frank Placzek

Middlesex County
Edward T. Martin
Haskell C. Freedman
Sheila E. McGovern
Lawrence T. Perera

Norfolk County
Robert M. Ford
Samuel R. Hoffman

Suffolk County
Mary C. Fitzpatrick
Joseph P. Warner
Robert L. Yasi

Berkshire County
Andrea F. Nuciforo

Dukes County
Augustus F. Wagner

Franklin County
Sanford Keedy

Hampshire County
Harry Jekanowski
Rudolph A. Sacco (special)

Nantucket County
Jeremiah J. Sullivan

Plymouth County
James R. Lawton
Francis P. Murphy

Worcester County
Francis W. Conlin
Gerald W. McLellan

DISTRICT COURTS

Chief Justice
Franklin N. Flaschner

Justices

Salvatore E. Aloisi
District Court of Chelsea

Robert L. Anderson
Fourth District Court of Plymouth

Joseph F. Bacigalupo
District Court of Lawrence

Richard L. Banks
Municipal Court of Roxbury District

Philip H. Ball, Jr.
District Court of Franklin

Frank W. Cimini
District Court of Central Berkshire

William P. Constantino
Second District Court of Eastern Worcester

George N. Covett
District Court of Brockton

Francis P. Cullen
Fourth District Court of Eastern Middlesex

George E. Dewey
District Court of Marlborough

Bruno J. DiCicco
Central District Court of Worcester

Kevin R. Doyle
District Court of Eastern Middlesex

John J. Dwyer
District Court of Lee

Lawrence F. Feloney
Third District Court of Eastern Middlesex

George Anastos
District Court of Nantucket

Charles J. Artesani
Municipal Court of Brighton District

James W. Bailey
Third District Court of Eastern Middlesex

John A. Barry
Fourth District Court of Berkshire

Ellis F. Brown
District Court of West Norfolk

Richard Comerford
District Court of Leominster

Sidney M. Cooley
District Court of Western Hampden

Elliott T. Cowdrey
District Court of Lowell

Michael Demarco
District Court of Somerville

Anthony J. DiBuono
First District Court of South Middlesex

Michael J. Donohue
District Court of Holyoke

Everett H. Dudley
District Court of Fitchburg

Salvatore Faraci
Second District Court of Essex

Edith W. Fine
Municipal Court of Brookline

Maurice R. Flynn, Jr.
First District Court of Eastern Middlesex

William Garbose
District Court of Winchendon

Morris N. Gould
Central District Court of Worcester

Ernest C. Horrocks, Jr.
Third District Court of Bristol

H. Lawrence Jodrey
District Court of Eastern Essex

Paul H. King
Municipal Court of Dorchester District

James J. Landers
District Court of Chicopee

Laval J. LeBoeuf
District Court of Southern Worcester

Bernard Lenhoff
District Court of Williamstown

Jack London
Third District Court of Bristol

George R. McCormack
District Court of Southern Berkshire

John J. Melican
First District Court of Northern Worcester

Robert J. Moran
District Court of Eastern Hampden

Paul Murphy
Municipal Court of West Roxbury District

Gordon M. Owen
First District Court of Bristol

Daniel H. Rider
District Court of Northern Norfolk

John P. Forte
District Court of Central Middlesex

Louis H. Glaser
First District Court of Eastern Middlesex

Ernest S. Hayeck
Central District Court of Worcester

George N. Hurd
District Court of Brockton

Thomas A. Johnson
Third District Court of Essex

A. Vincent Kellahan
District Court of Newburyport

Francis J. Larkin
Third District Court of Southern Worcester

Edward A. Lee
Fourth District Court of Bristol

Thomas E. Linehan
Municipal Court of South Boston District

Edwin F. McCooey
Second District Court of Southern Worcester

Elwood S. McKenney
Municipal Court of Roxbury District

Walter J. Moosa
First District Court of Eastern Worcester

Henry L. Murphy
First District Court of Barnstable

Thomas M. Newth
District Court of Southern Essex

Robert S. Prince
District Court of Eastern Norfolk

Guy J. Rizzotto
District Court of East Boston District

Ernest H. Rosasco
District Court of Northern Berkshire

Luke F. Ryan
District Court of Hampshire

Robert N. Scola
Central District Court of Worcester

Milton R. Silva
Second District Court of Bristol

H. Edward Snow
District Court of Natick

Alvin C. Tamkin
Second District Court of Plymouth

Arthur A. Thomson
Central District Court of Northern Essex

Herbert E. Tucker, Jr.
Municipal Court of Dorchester District

William T. Walsh
District Court of Springfield

George A. White
Third District Court of Plymouth

Richard C. Woods
Municipal Court of Charlestown District

C. Edward Rowe
District Court of Franklin

Neill W. Schoonmaker
District Court of Eastern Hampshire

Arthur Sherman
Third District Court of Eastern Middlesex

Charles D. Sloan
District Court of Springfield

George A. Sullivan, Jr.
District Court of Southern Norfolk

James B. Tiffany
District Court of Peabody

Philip A. Tracy
Municipal Court of Roxbury District

Elbert Tuttle
First District Court of Southern Middlesex

Robert A. Welsh, Jr.
Second District Court of Barnstable

David B. Williams
First District Court of Northern Middlesex

Samuel E. Zoll
First District Court of Essex

MUNICIPAL COURT OF THE CITY OF BOSTON

Chief Justice
Jacob Lewiton

Associate Justices
Francis X. Morrissey
Theodore A. Glynn, Jr.
Harold W. Canavan
A. Frank Foster
Joseph A. DeGuglielmo
Harry J. Elam
Gordon Doerfer
Mario Umana

JUVENILE COURTS

BOSTON

Justice

Francis G. Poitrast

Special Justices

G. Bruce Robinson

George W. Cashman

BRISTOL

Justice

Howard Young

SPRINGFIELD

Justice

Tullio A. Francesconi

WORCESTER

Justice

Lucian A. Manzi

HOUSING COURTS

BOSTON

Judge

Paul G. Garrity

HAMPDEN

Judge

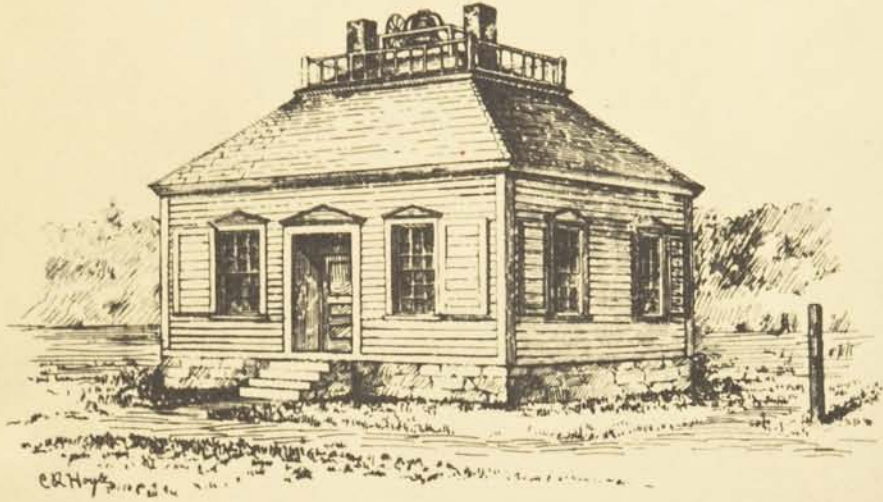
John M. Greaney

JUDICIAL SALARIES

On July 18, 1974, by an act of the legislature the salaries of the judges were changed to include a 6.2% cost-of-living increase effective January 1, 1974. As changed, the salary schedule was as follows:

Supreme Judicial Court.....	Chief Justice	\$42,236
	Associate Justice	40,738
Appeals Court	Chief Justice	39,220
	Associate Justice	37,771
Superior Court	Chief Justice	37,771
	Associate Justice	36,203
Land Court	Judge and Associate Judges	36,203
Housing Court of the City of Boston	Judge	36,203
Housing Court of Hampden County	Judge	36,203
Probate Courts	Chief Judge	32,944
	Judge	31,738
	Judge (part-time)	11,343
District Courts	Chief Justice	31,738
	Justice	30,168
	Justice (part-time)	10,016-12,189
Municipal Court of the City of Boston	Chief Justice	31,738
	Associate Justice	30,168
Boston Juvenile Court	Justice	31,738
Springfield, Bristol County, and Worcester Juvenile Courts.	Justice	30,168

Court Facilities



FIRST WORCESTER COUNTY COURTHOUSE
BUILT IN 1733-4

COURTHOUSE FACILITIES IN THE COMMONWEALTH

The survey conducted by this office in 1972 of all Massachusetts court personnel (see the 16th Annual Report, pages 30-32) revealed that the single thing considered most necessary to satisfactory job performance by the members of the judicial department was court facilities. In the 113 court facilities throughout Massachusetts, conditions range from modern and efficient to Smithsonian Institution rejects. Rooms that cannot be used in rainy weather are not uncommon in our courthouses; that this disgraceful condition is characteristic of courts in many other states may be of small consolation.

On March 29, 1973 a member of the Bureau of Accounts visited the parking ticket operation of the Boston Municipal Court to conduct the audit required by G. L. c.34, §45. His report of the physical conditions under which the employees of this office operate bears repeating in full as a straight forward cry of indignation about the conditions under which so many dedicated employees of our courts must conduct their business.

The conditions which prevail in Room 101 of the Boston Municipal Court, Parking Department are almost beyond belief and description.

This is, you must keep in mind, the largest of all the Courts, both District and Municipal.

There are two rooms, front and back. The first room holds 14 desks with 18 people, 15 women and 3 men, and is 30 x 30. The back room holds 3 tables, 3 x 8 and 10 women and 4 men work in here. This room is about 1/2 the size of the other.

The tickets are piled up in cartons about 9 to 12 feet in the air and all are currently in use. The space needed for this operation should be at least 3 times as much.

There is a cash register at the counter which prints a daily tape and marks the ticket and the IBM card paid and gives a receipt. To say the most they are hard to read and to be real kind, most of the printing can't be read. The second cash register is broken and is beyond repair.

For an office that produces an income of over \$3,000,000. per year, it seems a bit silly that about \$5,000. or \$7,000. could not be spent for proper office equipment and cash registers to be used in the Tag Room.

If it were not for cardboard cartons, this office would not operate, it would come to a stand still.

The girls in the back room, first table 3 x 8, 7 girls sit and work at this.

The second table, 3 x 8. The copying machine uses 1/3 of the space and 3 girls use the rest of this table.

The third table, 3 x 8, used by 3 men, but it is against the wall as there is no other room for it.

Auditing this account is a very trying experience.

The help were most cooperative and without this cooperation, nothing could be done.

The lighting is bright but the work is for the most part small printing and quickly it becomes tiring to the eyes.

The working conditions in Room 101 for the female employees have to be the worst in any Court in the State of Massachusetts.

I realize that this is not the problem of the Bureau of Accounts but at least I have stated what I think about the office and working conditions.

Recent inspection does not reveal improvement.

It is therefore encouraging to report some progress in the efforts of this office, Administration and Finance, the Legislature and others to improve the physical environment of both our courtrooms and their supporting facilities.

The federally-funded study of court facilities in the Suffolk County Courthouse and of court records management throughout the state, which was described in last year's annual report, has recently been completed and delivered to the Office of the Executive Secretary of the Supreme Judicial Court. The study began in January of 1973 under the direction of Dr. Michael Wong, a space management consultant who directed the successful Foley Square Courthouse project in New York City.

For a number of years the Suffolk County Courthouse has been plagued by severe space problems. With the creation of the Appeals Court and the Boston Housing Court, both of which were located in the Suffolk Courthouse, these problems reached crisis proportion. As a result, the Executive Secretary retained Space Management Consultants, Inc. to study the courthouse complex.

The final report makes a number of recommendations. Those repeated here are of general interest to many concerned with courthouses throughout the Commonwealth:

1. As soon as possible, the Boston Juvenile Court, the Land Court, and, if possible, the Office of the Commissioner of Probation should be removed from the Suffolk County Courthouse and relocated in other buildings.
2. The Old and New Courthouses should be renovated to accommodate the courts' projected need for approximately the next 30 years.
3. Judicial activities related to criminal matters including prisoner holding and circulation, criminal courtrooms, etc. should be concentrated in the New Courthouse, with no activity related to criminal cases in the Old Courthouse. Also, activities with greatest public traffic should be grouped by use on the lower floors to reduce elevator traffic.

4. Inefficiently used space should be converted to office quarters by removing old records to a central storage facility and renovating such areas. Additional useful space would be made by constructing messanines over the fourth and fifth floors of the Old Courthouse.
5. Improved communications between the Old and New Courthouses can be achieved by additional connections at the 6th, 7th and 7th messanine floors of the newer building. This would simplify interaction between various agencies and allow for flexibility in future rearrangements.
6. Certain structural repairs are necessary for safety and in order to meet building codes. Improvements and additions to ventilation, plumbing, heating, air-conditioning and electrical equipment would also be provided.

Costs

The total estimated cost of the project including 10% for contingencies and 10% for any architectural fees is approximately \$11,424,800 spread over a period of three or four years. Under an alternative plan with more extensive renovations, electrical work and air conditioning, the total cost is estimated at \$21,366,200 again over a period of three or four years. Due to inflation it is anticipated that these estimates will increase at a rate of about 1% per month. According to the consultants, the only other method of accommodating the courts and offices in the Suffolk County Courthouse beyond the year 2000 appears to be the construction of a new courthouse which, the consultants estimate would probably cost from \$80 to \$100-million.

The Judicial Conference of the Commonwealth requested the Governor to include funds for renovation of the Suffolk County Courthouse in the 1975 capital outlay budget. The request was denied. Also, as a result of a report by a special master appointed by the SJC, the City of Boston will soon begin work on an interim expansion of the Boston Juvenile Court into space now occupied by records of the Suffolk County Registry of Probate. This interim expansion was originally recommended by Space Management Consultants, Inc. in May of 1973.

Statewide Court Records Management Study

In conjunction with the Suffolk County Courthouse study, Space Management Consultants, Inc. were also asked to do a statewide study of court records. This included review of studies and recommendations already completed by the Office of the Executive Secretary and especially an evaluation of the feasibility of using a central court records center or centers for the courts of the Commonwealth.

Initial Recommendations by the Office of the Executive Secretary

As a result of the initial recommendations of the Office of the Executive Secretary, legislation authorizing the use of facilities approved by the Supreme Judicial Court was enacted on August 29, 1973. St. 1973, c.705 amended G.L., c.221 §27A by adding the following paragraph:

Any papers or records which have been filed or deposited in any court of the Commonwealth may be moved to places of storage approved by the Supreme Judicial Court. Said court may by rule or order designate persons employed at such places to be authorized custodians of all papers and records so moved. All costs relating to the moving and storage of such papers or records shall be borne by the Commonwealth.

The statute also amended mandatory provisions for keeping records in the offices of a register of probate or of the Recorder of the Land Court; such provisions are now permissive.

As a result of enactment of the legislation, in early 1973 the Land Court, as a pilot project, moved its old records to the State Records Center, which is part of the Executive Office for Administration and Finance. As required by St.1973, c.705 the Supreme Judicial Court issued an order permitting the Land Court to move its records. Because of the success of this pilot project, it is anticipated that other court records will soon be moved to the State Records Center. The amount of such records to be moved will be very limited because of the small amount of space available in the Records Center's warehouse in South Boston. However, it is possible that in the future the State Records Center will be expanded sufficiently to accommodate the needs of courts throughout the Commonwealth.

Recommendations by Space Management Consultants, Inc.

Concerning the initial recommendation by the Office of the Executive Secretary, the consultants state that all inactive and infrequently used court records should be stored in a fireproof records storage warehouse similar to the building used by the Commonwealth as its State Records Center. A procedure for retrieving records already exists in the State Records Center and records requested from a nearby courthouse, such as the Land Court can be delivered within 24 hours of a request by a regular Records Center delivery van. Urgently needed records can be picked up by court staff or the party seeking the records.

The consultants strongly favor the use of a state-owned warehouse which would be considerably less costly to the courts and the state than the renting of commercial space. Also, in addition to storage of records, the State Records Center provides reproduction and microfilm equipment and services. The consultants opposed a decentralized judicial records facilities system as too costly.

The consultants further stated that the destruction of inactive and non-historic court records should be carried out in the District Courts, the Boston Municipal Court, and to some extent the Superior Court in order to reduce the volume of records. Such record destruction is authorized by SJC Rule 3:09. However, with the exception of the District Court of East Boston, no district court has a comprehensive program of record destruction.

The consultants agree with the recommendation of sorting new records prospectively into essential and non-essential records. The non-essential records can later be destroyed under the provisions of SJC Rule 3:09. Several courts have adopted this system including the Registry of Probate in Norfolk County (where the case jacket has two pockets facing each other, one containing essential and the other non-essential records). This could also be accomplished by color coding.

According to the consultants there should be increased microfilming of court records that cannot be destroyed under Rule 3:09. Due to the high cost of microfilming, this should only be done with Probate and Land Court records. Records prior to 1900, with the exception of those with historical and constitutional significance would be destroyed after microfilming. Also, as required by SJC Rule 3:20 all court records should eventually be stored in flat files.

In short, if the Commonwealth substantially expands the State Records Center in the near future providing space for court records, it is expected that the severe problem of record storage in the courts, to a great extent, will be solved, making some additional space available for other purposes.

National Center Study

The National Center for State Courts has commenced an architectural study of every one of the 113 Massachusetts courthouses and their countless courtrooms. When completed in 1975 we will have a documented picture of the state of our court facilities and those most in need of emergency treatment.

Barnstable County

With the completion of the renovations to the Superior Court building, the County Commissioners have no further plans for expansion or renovation of court facilities at this time.

Berkshire County

An addition to the District Court of Central Berkshire, in Pittsfield, has been completed at a cost of \$249,650. The work provides one additional courtroom that can be used for either district court hearings or for concurrent sessions of the Superior Court. New space is also available for probation officers and other court-related personnel.

New quarters for the District Court of Northern Berkshire at North Adams are now under construction. These quarters would consist of a portion of the new City Hall which will be leased to the court pursuant to an arrangement whereby the County Commissioners contributed \$220,000 to the cost of the building in exchange for the lease.

Bristol County

With respect to the issue of a new centralized courthouse, the Supreme Judicial Court appointed R. Ammi Cutter, retired Associate Justice of the Supreme Judicial Court, a special master to consider this matter and attempt to achieve unanimity of opinion as to the geographical location of adequate Superior and Probate court facilities in Bristol County. As a result of Justice Cutter's activities, a bill was filed authorizing the County Commissioners of Bristol County to construct a new central courthouse building. Unfortunately the bill was rejected by the Legislature in June of 1974.

Renovations at the Second District Courthouse in Fall River were completed. These provide additional office space and hearing rooms as well as a remodeled main courtroom.

In January of 1974 a contract was awarded for the renovation of the second floor of the New Bedford Registry of Deeds Building to provide facilities for the new Bristol County Juvenile Court.

Dukes County

The County Commissioners anticipate a courthouse space problem in the near future. The Registry of Deeds and Registry of Probate will soon need additional space, the district court clerk requires more storage area and attorneys have no space available to meet with their clients when Superior Court sittings are held..

Essex County

Progress has been made in improving the three Superior Courthouses in Essex County. The exterior of the Newburyport courthouse was completely renovated in 1973 at a cost of \$100,000. The County Commissioners are seeking an additional \$250,000 to renovate the interior of the courthouse.

All exterior work has been completed on the \$300,000 renovation of the Lawrence Superior Courthouse. The interior work is expected to be completed by December of 1974.

The expected completion date of the \$400,000 renovation of the exterior of the Salem Superior Courthouse has been changed from early 1974 to April of 1975. An additional \$4,300,000 to renovate and equip the building is being sought by the County Commissioners.

The Gloucester District Court began operations in a new facility in January of 1974.

It is anticipated the completion of two new courthouses for the Salem and Peabody District Court will take approximately three years at an estimated cost of \$2-million per building.

Franklin County

A new roof was installed on the courthouse in Greenfield in late 1973 at a cost of \$39,000.

Hampden County

The new courthouse in Springfield, which will house the Superior, District and Probate Courts, the Registry of Deeds and various county departments, was bid in 1973 for approximately \$11,300,000. It is now under construction in two phases. Phase one, which will include all facilities except parking and certain site work, is expected to be completed in September of 1975. Phase two, to take place after demolition of the Hall of Records, is expected to be completed in March of 1976.

The old Superior Courthouse will be renovated, at an estimated cost of \$1,200,000, to house the Juvenile and Housing Courts as well as psychiatric clinic. Design work has begun and it is anticipated that renovations will begin in September 1975 and be completed in June 1976.

Hampshire County

The Legislature passed a \$3,300,000 bond issue authorizing Hampshire County to construct and renovate new Superior Court, District Court, Probate Court, Registry of Deeds and probation office facilities. St. 1972 c.454. It is anticipated that the project will not be completed until 1975.

Middlesex County

The notorious East Cambridge courthouse complex was finally made available to the courts in March of 1974. The project began over a decade ago at an estimated cost of \$16-million. Although estimates vary, the total bill may exceed \$70-million.

With the completion of this project and of renovations on the Malden District Court building, no other work on court facilities in Middlesex County is expected at this time.

Nantucket County

There are no plans to make any changes in the existing court facilities which are considered to be adequate.

Norfolk County

Although three years ago a study recommended the construction of a new Superior Court building in Dedham with use of the old building for expanded activities of the Probate and District Courts, little progress has been made in this area. A new sound system has been installed in the main courtroom of the Superior Court and new furnishings for the jury pool area have been purchased.

Plymouth County

St. 1973, c. 695 authorizes the County Commissioners to construct and equip a courthouse in the Town of Wareham.

Additions and alterations to the Hingham District courthouse are expected to be completed in the spring of 1975.

The County Commissioners purchased land adjacent to the Brockton District Court in order to provide additional parking space for that court.

Suffolk County

During 1973, \$281,666 was spent for repairs and alterations in Suffolk County Courthouse. (See *supra* concerning Suffolk County Courthouse study.) It is anticipated that necessary repairs of the roof of the Old Courthouse and phase one of repairs in the exterior masonry of the New Courthouse will cost approximately \$600,000.

The facilities of the District Court of Chelsea are totally dilapidated and should be replaced. One of the problems concerning the support of this court is that, while its territorial jurisdiction lies entirely outside the City of Boston, it is supported entirely by the City of Boston.

Worcester County

St. 1973, c. 681 authorized the construction of a courthouse in the City of Gardner for the First District Court of Northern Worcester. St. 1972, c. 629 authorized the preparation of plans and specifications and for the acquisition of the land for the District Court of Fitchburg. Also St. 1973, c. 431 authorized the preparation of plans for construction of facilities for the Worcester Juvenile Court. Little progress has been reported in the implementation of any of these Special Acts.

LIBRARIES

This office secured a federal grant for the Social Law Library for the purpose of creating an in-house microfilm production laboratory which will be used to film the briefs and records of the Supreme Judicial Court and Appeals Court.

The use of fiche will permit a greater control over the maintenance of the collection and will be a far more practical form for both attorneys and the library.

It is estimated that some 2.5 million pages of back volumes are to be filmed, and that it will take approximately three years to complete the entire filming project. The briefs which were being bound will now be filed as soon as they are delivered to the library. A microfiche duplicating machine will be positioned at the library circulation desk so that any fiche can be duplicated immediately upon request for a minimal fee. The bound volumes can then be stored so that much needed space can be better utilized by the library.

Microfiche copies will ultimately be made available for distribution to those libraries presently receiving the records and briefs. At that time it will be possible to reduce the number of printed briefs filed with the courts. Moreover the durability of the master film should be substantially better than the paper which is presently being used for briefs.

POPULATION

With the exception of the two smallest island counties, Dukes and Nantucket, whose year-round population has remained relatively stable and Suffolk County whose population declined rather drastically from 1955 to 1965 only to rise slightly again from 1965 to 1970, the population of all other counties rose by 23 per cent between 1955 and 1970.

Quite likely it has risen even higher since 1970, but the presently declining birth rate may cause a leveling off of population growth for the future. However, there is also a trend for persons to move within the state. For example, the population of densely urban Suffolk County declined while those of the neighboring suburban counties, Middlesex, Essex and Norfolk increased. The population of Barnstable County nearly doubled, probably attesting the growing popularity of Cape Cod as a year-round home for retired persons.

These population figures provide some indication of the respective needs of the various counties for judicial services and, perhaps, for a reorganization of available judicial services to meet those needs. However, population alone is not the only criteria for determining such needs. A smaller but affluent county, for example, may have a higher caseload related to the administration of estates either in absolute or relative terms than a larger but less prosperous county. A county with a large number of poor or unemployed persons living in depressed areas may have a relatively larger criminal caseload than other counties.

Among the things which affect criminal caseload are:

- Density and size of the community population and the metropolitan area of which it is a part.
- Composition of the population with reference particularly to age, sex and race.
- Economic status and mores of the population.
- Relative stability of the population including commuting, seasonal and other transient types.
- Climate, including seasonal weather conditions.
- Educational, recreational and religious characteristics.
- Effective strength of the police force.
- Standards governing appointment to the police force.
- Policies of the prosecuting officials and the courts.
- Attitude of the public towards law enforcement problems.
- The administrative and investigative efficiency of the local law enforcement agency, including the degree of adherence to crime reporting standards.

All of these factors should thus be considered in determining the judicial resources to be provided for any given county whether by legislation or by administrative action within the judicial system.

POPULATION (000's)

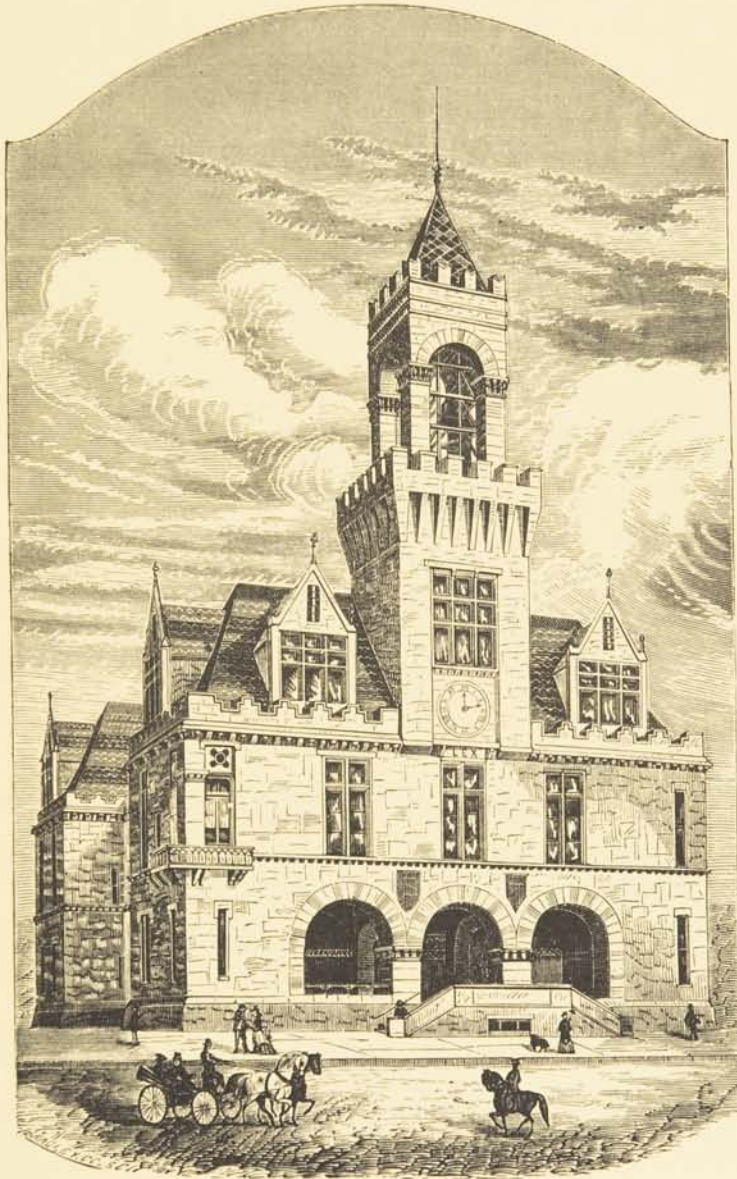
<i>County</i>	<i>State 1955</i>	<i>Federal 1960</i>	<i>State 1965</i>	<i>Federal 1970</i>
Middlesex	1,115	1,239	1,280	1,397
Suffolk	820	791	706(-)	735
Worcester	574	583	610	638
Essex	544	569	609	638
Norfolk	448	510	560(+)	605
Hampden	389	429	435	459
Bristol	390	398	415	444
Plymouth	214	248	293(3)	333+
Berkshire	138	142	146	149
Hampshire	87	103	100	124+
Barnstable	53	70	74(+)	97+
Franklin	56	55	58	59
Dukes	6	6	6	6
Nantucket	4	4	4	4
TOTAL	4,838	5,149	5,295	5,689

+ over 20% increase, 1960-1970

(+) over 20% increase, 1955-1965

(-) over 20% decrease, 1955-1965

Committees and Court Rules



NEW HAMPDEN COUNTY COURT HOUSE,
Dedicated on April 28, 1874.

MASSACHUSETTS JUDICIAL COUNCIL

"The Judicial Council was created by St. 1924, c.244 [G. L. c.221, §34A-34C] for the continuous study of the organization, rules and method of procedure and practice of the judicial system of the Commonwealth, the work accomplished and the results produced by that system and its various parts." Thirty-Ninth Report of the Judicial Council of Massachusetts for 1963 (P. D. 144) at p. II.

The Judicial Council thus predates the establishment of the Executive Secretary's office by more than two decades and, until 1956, performed the statistical reporting function now performed by this office for the judicial system.

The Council was created as a purely advisory body on the recommendation of the Judicature Commission of 1919-1920. The Council annually publishes a report consisting primarily of its comments on bills referred to it by the Legislature. These bills generally cover a wide range of subjects including substantive, procedural and adjectival law as well as matters relating to the organization, operations, jurisdiction and administration of the courts.

It is in this latter respect that the Executive Secretary's office has been drawn into closer contact with the Council. The Council's chairman is a member of the Judicial Conference established by Supreme Judicial Court Rule 3:16 and a member of the Conference's Committee on Legislation.

The Council occupies a unique position in efforts to secure the improved administration of the courts. Its membership consists mainly of judges. Its major function at present is to review bills referred to it by the legislature and it reports annually to the Governor on these bills.

In the words of its secretary, *"the Judicial Council functions separately from the 'system' itself...we more or less sit outside the door and keep an eye on what's going on in the court-houses..."*

This office will continue to foster and cultivate its relationship with the Judicial Council, both directly and through the Judicial Conference and its Committee on Legislation, so that, at every critical stage, the fullest and most balanced consideration may be accorded proposals for the improved administration of the Massachusetts judicial system.

The membership of the Judicial Council on June 30, 1974 was:

Thomas D. Burns
Lawrence F. Feloney
Jacob Lewiton
Frederick M. Myers, Jr.
Alfred L. Podolski
William I. Randall
Paul T. Smith
Jacob J. Spiegel
Berge Tashjian
James L. Valley

MASSACHUSETTS JUDICIAL CONFERENCE

The membership of the Massachusetts Judicial Conference was affected by the resignations of Justice John V. Spaulding as Chairman of the Judicial Council and Richard D. Gerould as the Executive Secretary of the Supreme Judicial Court.

The membership as of June 30, 1974, was:

Chief Justice G. Joseph Tauro, *Chairman*
Justice Paul C. Reardon
Justice Francis J. Quirico
Justice Robert Braucher
Justice Edward F. Hennessey
Justice Benjamin Kaplan
Justice Herbert P. Wilkins
Chief Justice Allan M. Hale
Chief Justice Walter H. McLaughlin
Judge William I. Randall
Chief Judge Alfred L. Podolski
Chief Justice Jacob Lewiton
Chief Justice Franklin N. Flaschner
James Muldoon, Esq.
John A. Fiske, Secretary

The committee structure of the conference continued to carry forward the work of the body. The committees were as follows:

Committee on Court Operations
Justice Paul C. Reardon, Chairman

Committee on Civil Procedure
Justice Francis J. Quirico, Chairman

Committee on Judicial Education
Justice Robert Braucher, Chairman

Committee on Criminal Procedure
Justice Edward F. Hennessey, Chairman

Committee on Legislation
Justice Benjamin Kaplan, Chairman

Committee on Court Facilities
Justice Herbert P. Wilkins, Chairman

Meeting on March 1, 1974, the Judicial Conference reviewed twenty-five bills included in the Report of the Judicial Conference Committee on Legislation. The Conference endorsed the following bills: a bill expanding the powers and duties of the Chief Judge of Probate Courts; a bill making the Dukes County Probate Judge a full-time judge; a recall bill filed by the Executive Secretary; a bill which would provide for the expenses of the Superior Court probation officers to be paid by the Commonwealth; and a bill concerning preservation of District Court testimony.

Justice Reardon, Chairman of the Committee on Court Operations, introduced Samuel D. Conti, Acting Director of the Northeast Regional Office of the National Center for State Courts, who reported on the progress of his office in its study of the Massachusetts court system.

Mr. Conti noted that the early stages of the study focused on methodology, history of the court system, administrative structure, and the organization of the court system. In analyzing the administrative structure, the study was seeking information in two key areas: identifying who the employees of the courts are, and determining the cost of court operations. Mr. Conti said that even at that early stage the need for a system of supervision and accountability in the various courts is apparent.

The study is having some funding problems in that all the funds originally expected have not yet been made available. Justice Reardon noted that additional funds were being sought and that the pace of the work will quicken if funds are obtained.

Chief Justice McLaughlin reported on the serious backlog problem in the Superior Court, and stated that he has taken action to handle civil business despite the increasing backlog of criminal cases. He stressed that a basic problem is the lack of current statistics for use in planning and emphasized that data processing is a high priority item for his court. In this regard, Justice McLaughlin deplored the lack of LEAA funds to complete the Mitre case management system in Norfolk County, which may now have to be implemented manually. Mr. Richard Gerould also submitted a report by Alex Wilson, Director of Data Processing, on data processing activities and applications in the courts.

Reports were received from Justice Quirico for the Committee on Civil Procedure, from Justice Braucher for the Committee on Judicial Education, from Justice Hennessey for the Committee on Criminal Procedure, and from Justice Wilkins for the Committee on Court Facilities.

Justice Reardon offered a resolution of thanks of Mr. Gerould, who served as Executive Secretary from July 8, 1965, until February 25, 1974. The resolution was unanimously adopted.

MASSACHUSETTS MENTAL HEALTH LEGAL ADVISORS COMMITTEE

Established in February 1974 by G.L. c.221, §34E, the Massachusetts Mental Health Legal Advisors Committee's purpose is to provide legal services to indigent patients hospitalized in or committed to mental health or retardation institutions. The members of the Committee, appointed by the justices of the Supreme Judicial Court, are:

Michael P. Angelini, Chairman
Frederic E. Greenman, Vice-Chairman
Ann W. Lake, Secretary
E. Oliver Fowlkes, Treasurer
Judge Ruth Abrams
Judge James W. Bailey
Neil Chayet
Robert Fandel
John Dennis Healy
Honora Kaplan
Charles Lewis, Jr.
Francis Lynch
Charles Mahoney
Francis O'Connor

The Committee has begun its organizational and priority setting activities, a process facilitated by the cooperation of the Chief Justice of the Supreme Judicial Court and the House Chairman of the Joint Committee on the Judiciary, now Special Justice Cornelius J. Kiernan of the Lowell District Court, in seeking initial funding for the Committee.

The Committee has also undertaken a search for additional and alternative financial resources and an evaluation of the various agencies and organizations available to support it in its activities.

In pursuance of its mandate to conduct a continuing educational program with respect to the legal rights of patients in such institutions, the Committee in cooperation with Chief Justice Flaschner of the District Courts and others is preparing a conference for court and mental health personnel on the subject of commitments.

Unlike the Massachusetts Defenders Committee, the Mental Health Legal Advisors Committee does not directly employ staff attorneys. Instead it has assembled a list of private attorneys willing to represent indigent mental patients at fees set by the Committee.

MASSACHUSETTS DEFENDERS COMMITTEE

The Massachusetts Defenders Committee in 1974 showed an increase of 23% over 1973 in number of new cases. Due to increased funding from both state and federal sources the Committee was able to add enough lawyers so that there was no increase in the number of cases assigned to each attorney.

	Number of new cases (individual defendants)	Received	Number of full-time lawyers
1963.....	1,708	88,570	7
1968.....	18,218	789,488	58
1969.....	22,183	837,888	58
1970.....	27,880	966,832	65
1971.....	35,207	1,080,977	74
1972.....	39,969	1,162,553	75
1973.....	22,038	1,531,520	92
1974.....	27,179	2,773,266	124

In 1967 under G. L. c. 258A, Massachusetts became the first state to establish a program to reimburse victims of violent crimes operated by the Attorney General and the District Courts, rather than by administrative agency. The statistics for the last five fiscal years were:

	FY 70	FY 71	FY 72	FY 73	FY 74
Claims Filed	129	138	251	274	351
No. of Hearings	33	41	92	61	147
No. of Denials	Unavailable	Unavailable	10	1	1
No. of Awards	33	41	82	60	146
Total Awards	\$60,885.76	\$45,974.04	\$97,296.10	\$119,874.10	\$690,000.00
Average Awards	\$ 1,845.02	\$ 1,121.31	\$ 1,185.44	\$ 1,997.85	\$ 4,725.34
Tot. Awards Pd.	\$30,000.00	\$65,000.00	\$57,000.00	\$150,000.00	\$600,000.00
Files Open	96	97	159	213	417
Awards Unpaid	\$30,885.76	\$11,859.80	\$52,156.00	\$ 22,030.10	\$ 90,000.00

Of the 1198 claims filed from the inception of the program to the end of the Fiscal Year on June 30, 1974, there were about 800 claims filed with the aid of counsel.

MASSACHUSETTS BOARD OF BAR EXAMINERS

The Board of Bar Examiners consists of five members appointed by the Supreme Judicial Court under G.L. c.221. As of June 30, 1974 the membership of the Board consisted of: Frederic S. O'Brien, Chairman, Milton J. Donovan, Secretary, Edward J. Barshak, John F. Dunn and Robert J. Muldoon, Jr., and Ellen E. Sterritt, Executive Secretary.

Between July 1, 1973 and June 30, 1974 the Board of Bar Examiners conducted only one examination. The examination usually given in December was held in February, 1974 to adjust to the country-wide schedule of the multi-state bar examination. The examination of February 27th and 28th was the first examination involving the use of the Multi-State Bar Examination (200 questions - multi choice) and traditional essay examination (10 questions). In that examination, 555 applicants took the examination and of those, 331 or 59.6% passed.

During the period July 1, 1973 and June 30, 1974, 1,158 people were admitted to the Massachusetts Bar. Of this number, 784 passed a bar examination conducted in June of 1973, 555 passed the bar examination conducted in February of 1974 and 43 were lawyers who had practiced in other jurisdictions and were admitted without examination.

MASSACHUSETTS RULES OF CIVIL AND APPELLATE PROCEDURE

The Supreme Judicial Court adopted the new rules of civil and appellate procedure effective July 1, 1974, for specified courts. The new rules are the work product of many persons, including lawyers, judges, legislators and law professors, who labored over the matter for more than six full years. A Committee on Civil Procedure, organized under the Massachusetts Judicial Conference, first met on June 28, 1967, and unanimously agreed on the necessity of modernizing the Massachusetts system of civil procedure. The Committee later recommended that the new rules of civil procedure should be modeled on the very successful Federal Rules of Civil Procedure and should include new rules of appellate procedure.

The new rules simplify litigation and court practice. All procedural distinctions between law and equity disappear, to be replaced by a single form of action, the "Civil Action". An action is commenced by filing a complaint with the clerk of the court. The complaint sets out the plaintiff's claim, combining the functions of the present writ and declaration. Service generally follows the existing patterns. The concept of the return day has been eliminated. Attachment and trustee process rules provide for notice and an opportunity to be heard.

Pleadings include only the complaint, the answer, and the reply (to a counterclaim). The rules contemplate the resolution within a single law suit of the maximum number of disputes; therefore, the plaintiff may include in his complaint as many different claims, legal and equitable, as he has against the defendant. A liberal counterclaim rule permits the defendant to assert against the plaintiff any claims he may have. In fact, the defendant generally must assert such counterclaims as may arise from the transaction or the occurrence which is the subject of the plaintiff's claim.

Demurrers are replaced by a motion to dismiss on the ground that the pleading does not state a claim upon which relief can be granted. The new discovery rules are a blend of existing Massachusetts practice and the federal discovery rules. The means whereby litigation can be terminated short of trial have been substantially changed, especially in allowing an expanded application of summary judgment.

Trial rules have been simplified to a great extent. Exceptions are abolished, one need merely object at an appropriate point in order to preserve rights on appeal. Special verdicts by the jury are encouraged and the practices for moving for a directed verdict have been greatly simplified. The concept of "judgment n.o.v." has been introduced, replacing the less effective practice of entering a verdict "with leave reserved".

In all cases tried by a judge without a jury, the court is required to find the facts specially and the findings will not be set aside unless "clearly erroneous". Distinctions between masters, auditors, commissioners and the like are abolished, and all such quasi-judicial, court-appointed factfinders are called "masters". The concept of judgment is changed somewhat, including elimination of the process of "going to judgment" and the concept of "judgment day". In most cases, judgment is to be entered immediately upon the determination of the action unless the court orders otherwise.

New rules of Appellate Procedure also greatly simplify procedures in this area for use in both the Supreme Judicial Court and the Appeals Court.

The new rules of civil procedure, as promulgated, govern the Superior Court, the Housing Court of the City of Boston, the single justice sessions of the Supreme Judicial Court, Probate Court proceedings where equitable relief is sought, and actions in the Land Court which are within that court's concurrent jurisdiction under G.L. c.185, §1(k)-(n) and actions under G.L. c.237, in all suits of a civil nature (law or equity), with certain exceptions. The new rules do not yet apply to the District Courts or the Boston Municipal Court. However, work began in early 1974 to extend the new rules to the District Courts, the Boston Municipal Court, and domestic relations cases in the Probate Courts.

MASSACHUSETTS RULES OF CRIMINAL PROCEDURE

Trial rules of criminal procedure applicable to the Superior Court had been tentatively completed and approved by the Executive Committee for submission to the Advisory Committee by May of 1974. At that time, however, the Executive Committee decided to undertake the drafting of comparable rules for the District Courts, the Boston Municipal Court and the Juvenile Courts and to delay the distribution of the Superior Court rules until the latter rules had reached a similar stage of completion. By June 30, 1974, the first draft of rules applicable to District Courts and the Boston Municipal Court had been completed and submitted for review to a District Court subcommittee composed of District Court judges and clerks. The review by the subcommittee was preparatory to the preparation of a draft to be submitted to the Executive Committee for its approval.

Comments on the Various Courts

1776. In the Sixteenth Year of the Reign of GEORGE the Third, KING, &c.

24

Suffolk Courts, Falmouth, &c.

C H A P. III.

An Act for altering the Place by Law appointed for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, and the Courts of General Sessions of the Peace, and Inferiour Courts of Common Pleas, within and for the County of Suffolk.

Preamble.

WHEREAS Boston, the Place appointed by Law for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, and the Courts of General Sessions of the Peace, and Inferiour Courts of Common Pleas within and for the County of Suffolk, is now made a Garrison by the Ministerial Army, and become a common Recepiacle for the Enemies of America :

Superiour
and Inferiour
Courts to be
held at Ded-
ham & Braint-
ree.

Be it therefore enacted by the Council, and House of Representatives in General Court assembled, and by the Authority of the same, That for the future, the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be held at Dedham, within and for the said County of Suffolk, on the third Tuesday of February, and at Braintree, on the last Tuesday of August yearly, and every Year.

And be it further enacted by the Authority aforesaid, That for the future, the Courts of General Sessions of the Peace, and the Inferiour Courts of Common Pleas, shall be held at Dedham, within and for the County of Suffolk, on the first Tuesday of January, and on the second Tuesday of July ; and at Braintree, on the third Tuesday of April, and on the first Tuesday of October, yearly and every Year.

And be it further enacted by the Authority aforesaid, That all Actions, Pleas and Suits, both Civil and Criminal, shall be heard at the above Courts, as fully and absolutely, as if the Place for holding the same had not been altered. And all Officers and others concerned at the said Courts, are to conform themselves accordingly : Any Law, Usage or Custom to the contrary notwithstanding.

Dedham to
be made the
Shire Town.

And be it further enacted by the Authority aforesaid, That Dedham shall be the Shire Town of the County of Suffolk for the future.

Early in 1776, during the British occupation of Boston, the Great and General Court of the Colony of Massachusetts Bay passed an Act moving the courts of Boston to other locations. Reproduced above is a copy of that Act.

The Judicial System in the Commonwealth consists of the following courts:

- The Supreme Judicial Court
- The Appeals Court
- The Superior Court
- Fourteen Probate Courts
- The Land Court
- Two Housing Courts
- Seventy-Two District Courts
- The Municipal Court of the City of Boston
- Four Juvenile Courts

Dates of establishment of the courts, jurisdiction of the courts, and various duties of the courts are listed in previous editions of this report.

The comments in the following pages briefly describe developments in some of the courts during fiscal 1974. In addition, graphs have been included to illustrate ten year trends in entries and, where possible, dispositions.

SUPREME JUDICIAL COURT AND APPEALS COURT

Last year, the effects of the Appeals Court's establishment on the workload of the Supreme Judicial Court were only beginning to be felt. Now, however, after two year's experience with the Appeals Court there is a much clearer picture of the evolving relationship between the state's two appellate courts.

As shown in figure 8, one of the more obvious effects has been the reduction of the Supreme Judicial Court's caseload from an intolerable 414 appellate opinions in 1972 to a more reasonable and manageable 184 in 1973 and 194 in 1974. Of the 194 cases in 1974, only 21 were rescript opinions. Without the Appeals Court, the justices of the Supreme Judicial Court could not have maintained the quality and efficacy of the appellate process. Nevertheless, a reduction in the Supreme Judicial Court's caseload cannot be considered an objective in itself. Its value can only be gauged in other, less quantitative, terms.

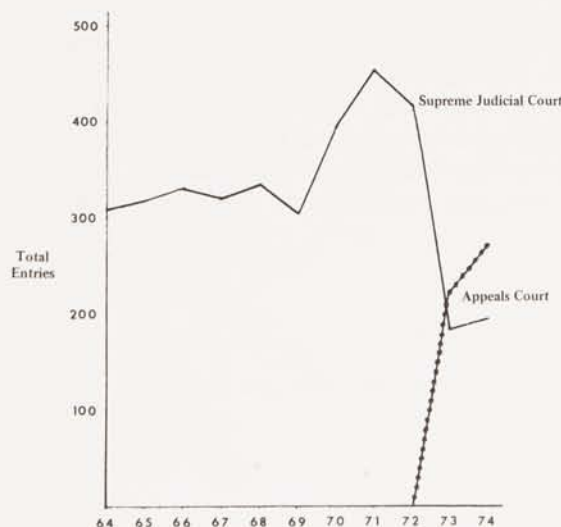


FIG. 9: Supreme Judicial Court and Appeals Court original entries, 1964-1974. (Appeals Court was established in fiscal 1973.)

The Supreme Judicial Court now has the time necessary for the full consideration and, in many instances, the reconsideration of significant issues of law and policy of broad application and often far-ranging consequences. Secondly, the justices of the Supreme Judicial Court also now have, for the first time in its modern history, the time to develop a cohesive and comprehensive approach to the long neglected area of judicial administration of all of the courts in the Commonwealth.

In 1974 the Appeals Court rendered 273 written opinions, of which 126 were rescript opinions.

SUPERIOR COURT

Inadequacy of Judicial Resources. The inadequacy of judicial resources continues to be the major problem of the Superior Court. In view of the heavy caseloads and increasing complexity of cases in that court, it is hoped that the Legislature will act favorably on bills creating additional Superior Court judgeships and enabling the recall of retired Supreme Judicial and Superior Court justices. In order to afford defendants their constitutional right to a speedy trial, the Chief Justice has been compelled to assign more judges to criminal business. Thus we now have on the civil side, six counties in Massachusetts among the twelve slowest counties in America.

Mandatory Pre-Trial Conferences in Criminal Cases in Suffolk County. Effective April 1, 1974, Chief Justice McLaughlin issued a Standing Order in Suffolk County requiring each criminal case in the first session to be sent to a pre-trial conference on a date and time agreed to by defense counsel and the district attorney. The purpose of the conference is to dispose of pre-trial motions, encourage discovery, determine whether or not a plea of guilty will be entered by the defendant, and, if not, to establish a firm trial date. Although not yet conclusive, the results of these pre-trial conferences seem to be beneficial to all parties.

National College of the State Judiciary. Five of the newly appointed justices attended the National College of the State Judiciary in fiscal 1974. The College brings together judges from every state and territory for the purpose of studying and discussing the most recent developments in law, judicial ethics, courtroom procedures and judicial administration. Each judge returned with a better knowledge of the court and how to work for its improvement. For the similar purpose of keeping the court up to date, Chief Justice McLaughlin has established a program of continuing education for the justices of the Superior Court. In April and October, the Court held weekend conferences for all 46 Superior Court justices and other justices in Stockbridge, Massachusetts. Some topics covered were criminal law, constitutional law, proposed criminal rules, evidence, new rules of civil procedure, recent changes in civil law, and new legislation in the areas of civil and criminal law and judicial administration.

Judicial Internship Program. Justice Edward F. Hennessey of the Supreme Judicial Court and Chief Justice McLaughlin have established a new program in the Superior Court under which selected students from participating law schools in the greater Boston area are observers in the courtrooms during the trials of cases. The students are allowed to attend and observe bench conferences and lobby conferences at the discretion of the justice who thereby teaches by example while performing his or her daily judicial duties.

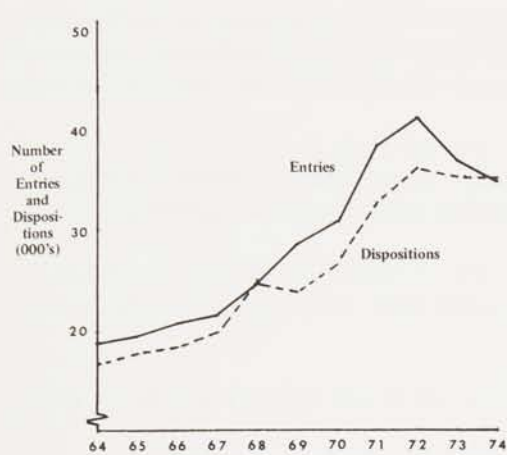


FIG. 10: Criminal Entries and Dispositions in the Superior Court, 1964-1974.

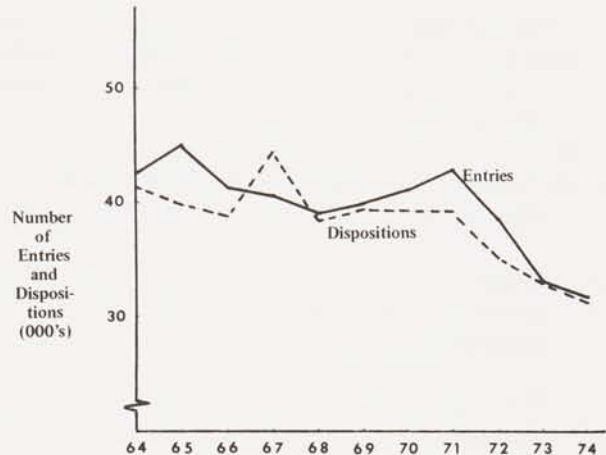


FIG. 11: Civil Entries and Dispositions in the Superior Court, 1964-1974.

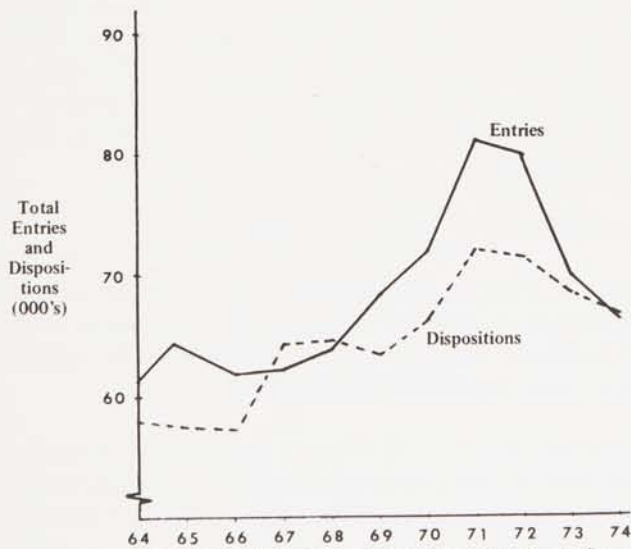


FIG. 12: Total Entries and Total Dispositions in the Superior Court, 1964-1974.

PROBATE COURT

Report of Probate Court on Administration. The Court year 1973-1974 was exceptionally productive for the Probate Courts in the area of court administration. Employing amendments of Court Rules and the concept of Uniform Probate Practices, the Court has made considerable progress in its objectives of simplifying procedures and conforming existing procedures to certain standards of uniform application in each of the fourteen separate courts.

By amendment of Court Rules and practice, acceptance of service of libels by the defendant in divorce actions, use of affidavits of identifying witnesses in lieu of testimony and recognition of a rule of evidence that corroborating witnesses are not required, the Court has simplified the divorce procedure.

Further, the Court has established the requirement that financial statements of both parties must be filed in any action requesting payment of support orders by either spouse.

Other uniform practices have established requirements of notice to all parties of hearings, notice of orders entered, notice of specific alimony (conveyance of real estate) to be requested in pending hearings.

The most significant changes in administration will result in the future from Rules adopted this year in the following two areas:

1. *Rules of Civil Procedure*

These rules were promulgated by the Supreme Court, and will, as of July 1, 1974, apply only to equity matters in the Probate Court. However, the proposed extension of these rules to Domestic Relations cases will have significant effects on the orderly processing of such cases. Preparation by attorneys of summonses (citations) will eliminate for clerical staffs of Probate Courts what in some Courts was an inexcusable "bottleneck" in the commencement of actions. The adoption of such rules have provided more definite guidelines for procedure and lessen the opportunity for differing interpretations being adopted in the several counties.

11. *Uniform Forms*

Present Probate Forms (approximately 157 in number accompanied by some 90 additional notices of actions) are now being reviewed in an effort to consolidate, eliminate and, where possible, adopt a uniform pleading rather than standard probate forms.

The revision is the first step towards a centralized printing of probate forms which will require the cooperative purchasing by the separate counties of prescribed forms rather than a rather loose and costly

arrangement under which each county would secure its forms on a size and color of paper which varied from locality to locality. It is not anticipated that the program can become fully operative until fiscal year 1975. But preliminary estimates indicate that not only will uniformity but a reduction in expenses conservatively estimated at 25% result from these changes.

Judicial Conferences have resulted in a new awareness for the need to exchange ideas and disseminate expert advice on the ever-changing laws and Court decisions relating to Probate and Domestic Relations matters. One conference was held during the Court year for Registers and Assistant Registers, which it is hoped will become an annual event.

Studies have been made and will continue to determine how applications of computer technology and paper copying equipment may best be utilized to reduce, or at least control, the increasing deluge of clerical recordkeeping in the Court.

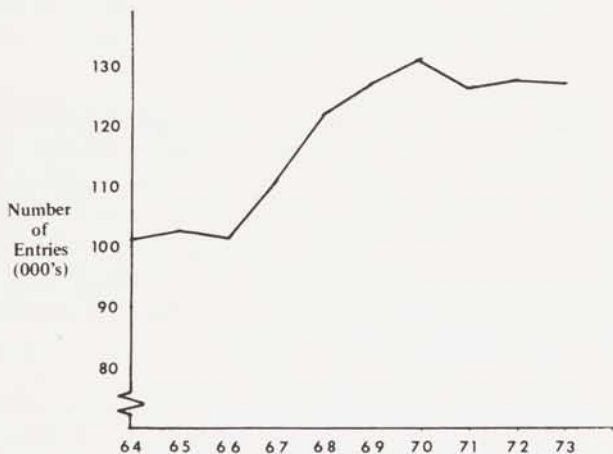


FIG. 13: Probate Court Entries (including divorce) in the Commonwealth, 1964-1973 (calendar years).

LAND COURT

A total of 7,048 cases were entered in the Land Court in 1974, of which 445 were land registration and 70 were land confirmation. The large number of cases which were dismissed, 10,070, includes 5,304 which were dismissed under Rule 85. In 1974, the Land Court Rules were amended to allow operation of Rule 85 regardless of Superior Court action, and the 5,304 cases were dismissed for inactivity.

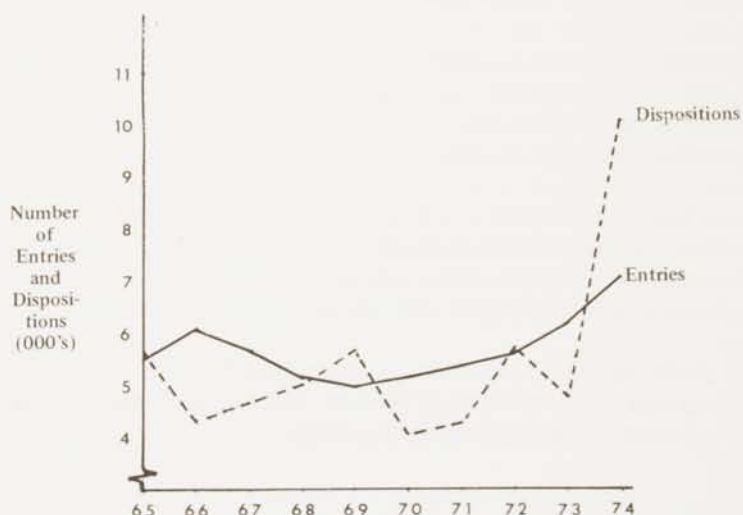


FIG. 14: Total Entries and Dispositions, Land Court, 1965-1974.

DISTRICT COURTS

System-wide administration in the District Courts is vested in the Chief Justice who is given by G.L. c.218, § 43A general superintendence over the 72 district courts. In fiscal 1975 Chief Justice Flaschner continued his efforts to improve the administration of the courts, to make their practice and procedure more uniform through the Commonwealth and to develop professionalism among all court personnel. The method for improvement is based on involvement of all court personnel on numerous committees of judges, clerks and probation officers, supported with staff assistance from the Administrative Office of the District Courts under the supervision of Jerome S. Berg, Director.

Recordation. One of the most active committees has been the Committee to Evaluate Alternate Means of Preserving Testimony in the District Courts, Hon. Robert S. Prince (Quincy), Chairman. After over a year of research and a comprehensive report to the Supreme Judicial Court by the Chief Justice, the committee is assisting the Chief Justice with the installation of sophisticated multi-track recording equipment in 15 District Courts, including the Boston Municipal Court, with the capability of providing counsel with inexpensive cassette copies of District Court proceedings in lieu of traditional typed transcripts.

Standards. The Committee on Standards is chaired by Hon. Morris N. Gould (Worcester) and is conducting a thorough analysis of all District Court procedures in order to recommend to the Chief Justice detailed operating procedures which will define proper standards of performance for the courts. The first area is a comprehensive document on the complaint procedure and the second phase is the arraignment procedure.

Civil Rules. The District Courts and the Boston Municipal Court together have undertaken a major effort to adopt for their joint use the Massachusetts Rules of Civil Procedure in a form as near as possible to the Mass. R. Civ. P. now in use in the other courts of the Commonwealth.

Education. With funds made available through a comprehensive educational program administered by the Judicial Conference's Committee on Education, the District Courts Committee on Education, chaired by Judge Alvin C. Tamkin of Hingham and the Committee on Continuing Education of the clerks association, chaired by Frederick V. Gilgun, Clerk of the Woburn District Court, are involved in planning and implementing programs of education for judges and clerks. With the help of Cyndi Bloom of the Administrative Office regular semi-annual conferences of judges, clerks and assistant clerks have been held, as well as two-week in-service orientation programs for new judges and assistant clerks. A special statewide conference for 200 judges, clerks and mental health professionals was jointly sponsored by the Chief Justice and the Division of Legal Medicine of the Department of Mental Health. In addition, Hon. Joseph R. Nolan (Brighton) is supervising a continuing series of evening lectures on substantive and procedural law for the District Court judiciary held at Suffolk University Law School.

Jury Instructions. Consistent with the policy embodied in the ABA standards on Trial by Jury that pattern jury instructions be available to the court, a Committee on Jury Instructions has completed the drafting of 75 instructions to be available for use in the criminal jury sessions of the District Courts.

Other committees which have been active are the Committee on Juvenile Procedure, Hon. Elliott T. Cowdrey (Lowell), Chairman, which has been meeting on an on-going basis with law reform attorneys and juvenile court judges to develop a mutually acceptable recodification of the juvenile procedures in the Commonwealth; and the Committee on Alcoholism, Hon. Lawrence F. Feloney (Cambridge), Chairman, which has helped draft guidelines for the handling of "driving under" cases before July 1, 1975 when a new pretrial diversion procedure under G.L. c.90, §24D becomes effective. In addition, the office of the Chief Justice will assist in a comprehensive management study of the Dorchester court, and with the help of the Executive Secretary will develop an automated management information system for the prompt collection of relevant management data for the Chief Justice and the individual District Courts. Work on the development of standards in the area of mental health commitments and court facilities design are also getting underway, as is a thorough cataloging and redrafting of District Court forms under the leadership of a new Committee on Forms chaired by David E. Stevens, Clerk of the Brockton court.

Increasing social and legal demands upon the district court judges, clerks and probation officers explain much of their increased work and workload. Victims of violent crimes, rent control disputes, appeals to six-person juries, children in need of services, mental health commitments and injunctions for sanitary code violations: none of these six categories of cases existed five years ago and they now occur routinely in the district courts.

To respond to these demands is a management challenge. The district courts' strategy emphasizes professionalism of court employees and involvement of community support, with phaseout of the 81 special justice positions and the 15 part-time justice positions a major priority. Use of probation volunteers and pre-trial diversion programs has proven the value of controlled community involvement in helping the court to discharge its responsibility to provide its residents with service as well as justice.

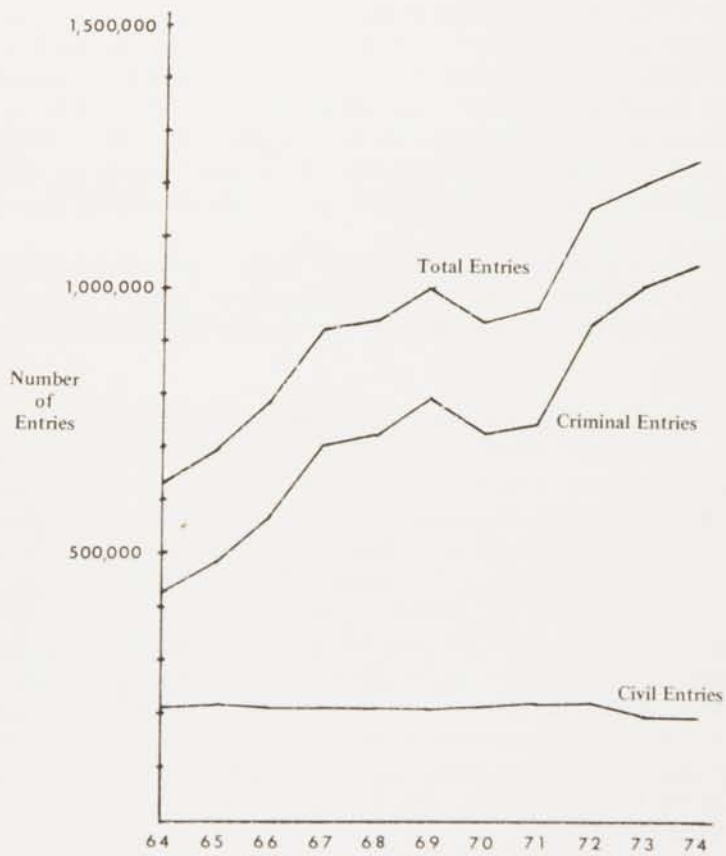


FIG. 15: District Court Entries in the Commonwealth (72 district courts), 1964-1974.

BOSTON MUNICIPAL COURT

Substantial progress was made in the Boston Municipal Court in the following areas during fiscal 1974:

1. Establishment of a jury session to hear appeals from convictions in criminal cases in the Boston Municipal Court or in any other district court in Suffolk County, pursuant to G. L. c.278, §18A, enacted by St. 1966, c.697. This statute was intended to help relieve congestion in the Superior Court by authorizing appeals to a jury of twelve in this court, as an alternative to an appeal to the Superior Court. This jury session is now functioning regularly in the Municipal Court of the City of Boston.
2. In February of 1974, there was established in this court an Administrative Office the purpose of which is to assist the Chief Justice in the performance of his administrative duties. The services of administrative personnel have been most valuable and have enabled the Chief Justice to undertake new programs or to improve the supervision of existing programs in the court, while making more time free for the Chief Justice to carry on his judicial functions. The successful implementation of several of the programs referred to below has been facilitated by the assistance of this new administrative personnel.
3. In October of 1973 the services of the Massachusetts Defenders Committee were reintroduced into the Boston Municipal Court. This agency now furnishes several attorneys and law students to serve indigent defendants in criminal proceedings in the Boston Municipal Court.
4. Early in 1974, the Chief Justice, in conjunction with the Boston Bar Association, established a program known as the Marginally Indigent Defendants' Attorneys Program (MIDA). Under this program provision is made to furnish legal counsel to defendants in criminal cases who do not qualify as indigents entitled to legal representation at public expense, but whose financial situation is such that they are not able to afford to retain private counsel at prevailing charges generally made by private counsel. Under the terms of this program, a substantial number of attorneys with offices in Boston have volunteered to serve as counsel for such defendants for low fees prescribed in the program. By intelligent use of this program the burden on the taxpayer to provide needed counsel for defendants in criminal cases will be reduced while at the same time such defendants with modest means will be enabled to procure and pay for the services of counsel to represent them.

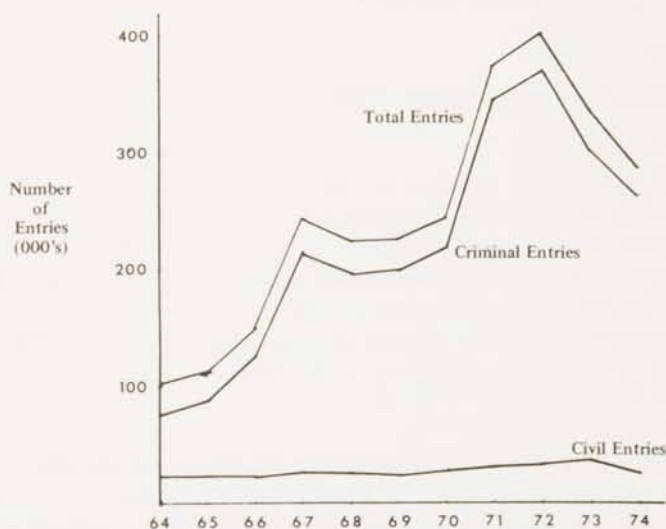


FIG. 16: Boston Municipal Court Entries, 1964-1974.

HAMPDEN HOUSING COURT

Against a background of concern for landlord tenant problems in the state, the Legislature enacted, and the Governor signed, C.591 of the Acts of 1973 creating the Hampden County Housing Court. The judge and clerk were appointed by the Governor on October 30, 1973, and sworn to their duties on December 14, 1973. The Housing Court is a court of superior and general jurisdiction with reference to all cases and matters within its jurisdiction. All orders, decrees and procedures of the Court carry the same weight as those of other courts of superior and general jurisdiction.

After examination of a number of space alternatives, the Court was housed in the existing Superior Court building to share needed services such as the jury pool. These facilities are, however, inadequate and a search for additional space has been undertaken. It is hoped that the Housing Court will be able to move into Hampden County's new Hall of Justice by September 1975.

In addition to the adjudication of housing disputes, particular attention has been paid to meeting with landlord and tenant groups. A Citizens Advisory Committee to the Housing Court has given generous time to this effort and to helping the court generally. At all times it has been stressed that the court must retain a neutral position on some of the burning issues that divide these groups. However, the court has felt a duty to report both to owners and to tenants the policies and procedures of the court and the status and content of pending legislation and administrative action at state and municipal levels that may affect their interests. The purpose of this is to keep both of these groups informed of developing issues so that by use of their own lobbying and informational strength they can bring to bear on the issues information that will give the legislative and administrative branches a better grasp of their position.

Another area where the Court has worked is education of the Bar. Lawyers must be fully cognizant with the Court's services if they are to make a meaningful use of the Court. In this regard, the Judge, shortly after opening the Court, turned his attention to the preparation of a course for the lawyers of Hampden County. This course was sponsored by the Massachusetts Continuing Legal Education Program and was presented on June 19, 1974, with approximately 150 attorneys in attendance.

It is clear that the growing amount of legislative activity in the housing and landlord-tenant area will continue to increase the Court's caseload. Examples of this are the proposed Rules and Regulations of the Attorney General's office in landlord-tenant problems which will be enforced under G.L. c.93A and the new private right of action bill (S.1101) in the discrimination area which grants an alternate forum to the Massachusetts Commission Against Discrimination.

WORCESTER JUVENILE COURT

During fiscal year 1974, the orderly development of a Court Volunteer and Intensive Probation Program, administered by full time personnel, afforded Worcester Juvenile Court's clients supportive services in five distinct areas: Social Histories, One-to-One Volunteers, Alternative-to-Detention Homes, Parent Discussion Groups and Intensive Programming with a clinical orientation. One of the keys to the success and acceptance of these programs was that they were supported and directed by a non-profit, community-based corporation Youth Opportunities Upheld, Inc. - in conjunction with the Judge and Chief Probation Officer of the Court.

The Court's greatest need presently is the establishment of a secure treatment unit in the community for those clients who need such an environment as a base from which they can begin to contract their way back into the more open setting characteristic of community-based treatment programs. This need is not unique to this court nor is Massachusetts the only state needing such a physical, well-staffed facility.

CONCLUSION

In 1957 the first Executive Secretary called for the state to assume the expenses of the court system. He was right then, and those calling for this reform are right now. In 1967 the third Executive Secretary wrote of the need for the courts to adopt a system of reviewing legislation affecting the courts prior to its presentation to the legislature. In 1974, the Judicial Conference, through its Committee on Legislation, began a program to provide this coherent system for the benefit of all three branches.

Two ideas, one which has happened and one which has a long way to go: they represent the work of many people together towards a system of court management in Massachusetts. On February 25, 1974 I became the fourth Executive Secretary and since that date have become overwhelmed, not only with the efforts all over Massachusetts to improve our courts but with how much work we all have to do. When a judge of the Superior Court wants to do research on a legal point at 4:00 in the afternoon but is literally locked out of the county law library, or discovers that Volume 350 of the Massachusetts Reports has been missing for two years from the library in his office, something is wrong. When you start to find out what is wrong, you find out so much.

It is of great consolation that so much work continues to be generated by so many career professionals in the courts. They who suffer so from the lack of systems are those who stand to benefit the most from the effective introduction and operation of basic management techniques.

The goal is simple, sensible and achievable: a court system with some control of its personnel, its budget and its resources, with a professional accountability within its hierarchy and to the legislature, the executive and the citizens of the Commonwealth. This office, with the continuing support of the Justices of the Supreme Judicial Court, will continue to develop as a support and catalyst for the many members of the courts, the legislature, the executive branch, the news media, professional organizations, public associations and the citizenry who are working to this objective.

April, 1975

John A. Fiske

Appendices

Presidents and Forms of things frequently used.



O (IB) Carpenter, of (D). You are required to appear at the next Court, holden at (B) on the day of the month next ensuing; to answer the complaint of (N C) for with-holding a debt of due upon a *Bond* or *Bill*: or for two heifers &c: sold you by him, or for work, or for a trespassse done him in his corn or hay, by your cattle, or for a slaunder you have done him in his name, or for striking him, or the like, and heerof you are not to fail at your peril. Dated the day of the month 1641.

Summons.

Body of Liberties (1641).

Suffolk H. To the Right Hon^{ble} Joseph Marion of New ton

Greeting.

YOU are hereby Required ~~in His Majesty's Name~~, to make your Appearance before the Justices of ~~our Lord the KING~~ at the next Inferiour Court of Common Pleas to be holden at *Boston* within and for the County of *Suffolk* on the *first* Tuesday of *January* next to give Evidence of what you know relating to an Action or Plea of *Debt* then and there to be heard and tried betwixt *Jerusha Fitch*

Nathaniel Barrell

Plaintiff, and
Defendant:

Hereof fail not, as you will answer your Default under the Pains and Penalty in the Law in that Behalf made and provided. Dated at

Boston the *first* Day of *January* in the
~~Year of His Majesty's Reign.~~ *Annoque Domini, 1777.*

Ezek Price Cler

Copy of Actual Form Used in 1777.

INTRODUCTION TO APPENDICES

The following appendices contain statistical information on the cost of operating the courts and on the work accomplished by the courts. Additional and more detailed data relating to court expenditures and workload is available in the Office of the Executive Secretary, in the administrative offices of the various courts and in the state and county budgeting offices.

COSTS OF OPERATING THE COURTS OF THE COMMONWEALTH

The counties in the Commonwealth changed from a calendar year reporting period to a fiscal year reporting period in 1973-1974, so that the county reports would be in phase with the state reports. To accomplish this changeover, the counties included the six-month period from January 1, 1974 to June 30, 1974 with their calendar year 1973 statistics. For this reason *most expenditure and receipt totals for the counties are for the eighteen month period from January 1, 1973 to June 30, 1974.*

Where a comparison is made to prior years' expenditures, it was therefore necessary to multiply the county budgets by 2/3 to obtain an annualized figure. Wherever a county expenditure or receipt figure is listed in this report, we have tried to indicate whether it represents an eighteen month period, a twelve month period, or is an annualized figure calculated from an eighteen month total.

Another aspect of these expenditure figures which should be emphasized is that expenditures for Suffolk County are based upon *appropriations* since the actual Suffolk expenditures were not available when this report went to press (the switch to a fiscal period slowed compilation of statistics). These appropriation amounts are probably lower than the actual expenditures for the eighteen month period.

The cost of administering and operating the courts of the Commonwealth was determined from the following sources of information:

1. Document 37 1973 of the City of Boston, *"Appropriations and Tax Orders for Current Expenses of the City and County for the Fiscal Period 1973-1974 Passed by the City Council up to April 20, 1973."*
2. Summary of funding allocations of the LEAA in 1974.
3. House Bill No. 5400, 1974 Session (estimates of county receipts and expenditures for fiscal year 1975 and actual expenditures for 1972, 1973, 1974).
4. Budget Recommendations of his Excellency, Governor Francis W. Sargent for fiscal year 1975 (including 1974 expenditures).
5. Financial Report of the Comptroller of the Commonwealth, fiscal year 1974.
6. Summary of receipts developed from the records of the Auditing Department, City of Boston.
7. Summary of receipts developed from records of State Comptroller.
8. Records of Real Property Division of the City of Boston.
9. Reports from the County Treasurers which were sent to this office.
10. Records of the Bureau of Accounts for the Commonwealth.

COST AND RECEIPT TOTALS: 1964-1974

	Total Expenditures	Total Receipts
1964	\$ 23,930	\$ 4,330
1965	26,494	4,526
1966	26,960	5,419
1967	30,148	6,525
1968	34,536	6,149
1969	37,792	7,094
1970	43,599	9,620
1971	48,837	8,100
1972	53,294	9,162
1973	64,884*	13,302
1974	78,376**	14,935

* The 17th Annual Report of this office lists an expenditure total of \$67,902,000, which was inaccurate for the following reasons: (1) Worcester County Courthouse Bonded Debt Interest Paid was \$770,290, rather than the \$4,370,000 which was listed in the Report; and (2) \$580,325 was spent for commitments of the mentally ill, but was not included in total expenditures.

** Includes \$2,683,000 in federal expenditures on Commonwealth courts. In previous years federal expenditures were not included in court costs.

SUMMARY OF COSTS AND RECEIPTS ASSOCIATED WITH ADMINISTERING
AND OPERATING ALL COURTS IN THE COMMONWEALTH OF MASSACHUSETTS

Total Costs of Administering and Operating All Courts
In The Commonwealth of Massachusetts

Fiscal 1974

SOURCE	EXPENDITURE TOTAL
Federal Government	\$ 2,683,000.00
Commonwealth of Massachusetts	14,528,930.28
Fiscal Year Total	\$17,211,930.28

18 Months: January 1, 1973 - June 30, 1974

Barnstable County	\$ 2,693,370.41
Berkshire County	1,458,991.94
Bristol County	5,316,149.82
Dukes County	159,833.91
Essex County	7,017,149.16
Franklin County	729,519.00
Hampden County	6,072,888.11
Hampshire County	1,754,390.96
Middlesex County	21,445,524.80
Nantucket County	105,751.04
Norfolk County	8,342,361.88
Plymouth County	4,333,691.79
Suffolk County	22,040,362.40
Worcester County	8,921,790.96
Commitments of Insane (not broken down by county)	899,402.18
18 Month Total for Counties	\$91,291,177.96
Annualized Total for Counties (2/3 of 18 month total)	\$61,165,089.23
Total Federal, Commonwealth and Estimated County Expenditures for Fiscal Year 1974	\$78,377,019.51

Total Receipts of the Courts in the Commonwealth
(from filing fees, fines, forfeitures)

Fiscal Year 1974

SOURCE	RECEIPT TOTAL
Receipts from Courts which were sent to the Commonwealth	\$3,153,307.78

18 Months: January 1, 1973 - June 30, 1974

Receipts from Courts which were sent to the Counties:

Barnstable	\$ 1,275,188.53
Berkshire . . . . .	.248,720.78
Bristol	1,150,057.57
Dukes . . . . .	.20,178.78
Essex . . . . .	.892,798.46
Franklin . . . . .	.112,034.00
Hampden . . . . .	.619,180.22
Hampshire . . . . .	.177,882.38
Middlesex	1,865,499.86
Nantucket . . . . .	.6,776.82
Norfolk . . . . .	.843,886.21
Plymouth . . . . .	.461,578.82
Suffolk	8,983,105.07
Worcester . . . . .	.924,794.32
Total for Counties for 18 months	\$17,581,681.82
Annualized Total for Counties (2/3 of 18 months)	11,782,000.00
Total Commonwealth and Estimated County Receipts for Fiscal Year 1974	\$14,935,307.78

COMMONWEALTH EXPENDITURES AND RECEIPTS

Summary of Court Costs Paid by the Commonwealth (for the fiscal year ending June 30, 1974)

Supreme Judicial Court	\$ 3,140,563.28
Appeals Court . . . . .	.726,310.75
Superior Court	2,169,001.31
Probate and Insolvency Courts	3,791,140.38
Land Court . . . . .	.875,038.98
District Court - Administration . . . . .	.154,075.00
Board of Bar Examiners . . . . .	.137,316.13
Pensions (Retired Judges) . . . . .	.812,791.18
Judicial Council . . . . .	.25,519.73
Probation Service	2,182,173.54
Suffolk County Courthouse Maintenance . . . . .	.515,000.00
Total	\$14,528,930.28

Summary of Court Receipts Collected by the Commonwealth (for the fiscal year ending June 30, 1974)

Supreme Judicial Court	\$ 746.60
Superior Court . . . . .	.2,291.30
Probate and Insolvency Courts	2,858,745.04
Land Court . . . . .	.200,818.04
Board of Bar Examiners . . . . .	.77,998.80
Probation Service . . . . .	.12,708.00
Total	\$3,153,307.78

COUNTY EXPENDITURES AND RECEIPTS
(For Eighteen Months - January 1, 1973 to June 30, 1974)

BARNSTABLE

County Court Expenditure and County Court Receipts
(for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 101,957.55
Probate Court and Registry .....	.812,146.22
Law Libraries	19,627.86
Superior Court	158,196.08
District Courts	942,849.25
Courthouse Maintenance and Operation	382,639.08
Interest Paid on Courthouse Bonded Debt	275,954.37
Total Expenditures	\$2,693,370.41
Total Receipts from County Courts	\$1,275,188.53

BERKSHIRE

County Court Expenditure and County Court Receipts
(for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 167,960.97
Probate Court and Registry	10,171.78
Law Libraries	33,493.49
Superior Court	318,119.18
District Courts	800,820.86
Courthouse Maintenance and Operation	111,498.16
Interest Paid on Courthouse Bonded Debt	16,927.50
Total Expenditures	\$1,458,991.94
Total Receipts from County Courts	\$ 248,720.78

BRISTOL

County Court Expenditure and County Court Receipts
(for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 386,992.69
Probate Court and Registry	827,330.36
Law Libraries	96,960.47
Superior Court	909,958.80
District Courts	2,383,154.20
Courthouse Maintenance and Operation	616,355.80
Interest Paid on Courthouse Bonded Debt	95,397.50
Total Expenditures	\$5,316,149.82
Total Receipts from County Courts	\$1,150,057.57

DUKES

County Court Expenditure and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 14,132.10
Probate Court and Registry	3,613.87
Law Libraries	3,233.33
Superior Court	27,209.32
District Courts	86,047.83
Courthouse Maintenance and Operation	21,637.46
Interest Paid on Courthouse Bonded Debt	3,960.00
Total Expenditures	\$159,833.91
Total Receipts from County Courts	\$ 20,178.78

ESSEX

County Court Expenditure and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 473,863.52
Probate Court and Registry	114,072.89
Law Libraries	79,719.54
Superior Court	1,497,934.29
District Courts	3,806,751.94
Courthouse Maintenance and Operation	904,289.48
Interest Paid on Courthouse Bonded Debt	140,517.50
Total Expenditures	\$7,017,149.16
Total Receipts from County Courts	\$ 892,798.46

FRANKLIN

County Court Expenditures and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 81,911.00
Probate Court and Registry	13,936.00
Law Libraries	20,766.00
Superior Court	212,971.00
District Courts	325,964.00
Courthouse Maintenance and Operation	73,971.00
Interest Paid on Courthouse Bonded Debt .....	.00
Total Expenditures	\$729,519.00
Total Receipts from County Courts	\$112,034.00

HAMPDEN

County Court Expenditure and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 363,441.89
Probate Court and Registry	76,660.89
Law Libraries	72,255.29
Superior Court	1,234,618.37
Housing Court	77,615.09
District Courts	3,520,787.91
Juvenile Court	587,534.85
Courthouse Maintenance and Operation	6,584.35
Interest Paid on Courthouse Bonded Debt	133,389.47
Total Expenditures	\$6,072,888.11
Total Receipts from County Courts	\$ 619,180.22

HAMPSHIRE

County Court Expenditure and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 99,352.04
Probate Court and Registry	43,699.44
Law Libraries	43,451.29
Superior Court	308,465.79
District Courts	575,821.64
Courthouse Maintenance and Operation	78,788.90
Interest Paid on Courthouse Bonded Debt	604,811.86
Total Expenditures	\$1,754,390.96
Total Receipts from County Courts	\$ 177,882.38

MIDDLESEX

County Court Expenditures and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 1,336,016.48
Probate Court and Registry	292,733.48
Law Libraries	172,346.48
Superior Court	3,670,301.73
District Courts	10,113,802.10
Courthouse Maintenance and Operation	3,094,438.28
Interest Paid on Courthouse Bonded Debt	2,765,886.25
Total Expenditures	\$21,445,524.80
Total Receipts from County Courts	\$ 1,865,499.86

NANTUCKET

County Court Expenditure and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 14,825.70
Probate Court and Registry .....	.6,620.99
Law Libraries .....	.1,271.25
Superior Court .....	.14,523.24
District Courts. ....	.66,265.45
Courthouse Maintenance and Operation .....	.2,244.41
Interest Paid on Courthouse Bonded Debt .....	.00
Total Expenditures	\$105,751.04
Total Receipts from County Courts	\$ 6,776.82

NORFOLK

County Court Expenditure and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 432,317.80
Probate Court and Registry .....	.255,840.23
Law Libraries .....	.30,123.53
Superior Court .....	.1,838,163.54
District Courts. ....	.3,291,244.84
Courthouse Maintenance and Operation .....	.2,336,151.94
Interest Paid on Courthouse Bonded Debt .....	.158,520.00
Total Expenditures	\$8,342,361.88
Total Receipts from County Courts	\$ 843,886.21

PLYMOUTH

County Court Expenditures and County Court Receipts (for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 320,251.35
Probate Court and Registry .....	.199,132.05
Law Libraries .....	.25,156.01
Superior Court .....	.910,646.14
District Courts. ....	.2,420,036.96
Courthouse Maintenance and Operation .....	.372,509.28
Interest Paid on Courthouse Bonded Debt .....	.85,960.00
Total Expenditures	\$4,333,691.79
Total Receipts from County Courts	\$ 461,578.82

SUFFOLK COUNTY (City of Boston)
Estimated* County Court Expenditures
(for eighteen months - January 1, 1973 - June 30, 1974)

Supreme Judicial Court	\$ 461,247.00
Superior Court	7,657,310.90
Probate and Insolvency Court	225,817.00
Municipal Court of the City of Boston	3,402,177.00
Housing Court of the City of Boston	363,334.00
Municipal Court of the Charlestown District	368,483.00
East Boston District Court	639,826.00
Municipal Court of the South Boston District	402,377.00
Municipal Court of the Dorchester District	1,353,915.00
Municipal Court of the Roxbury District	1,874,285.00
Municipal Court of the West Roxbury District	696,464.00
Municipal Court of the Brighton District	436,610.50
District Court of Chelsea	594,059.00
Boston Juvenile Court	1,102,753.00
Suffolk County Courthouse	1,582,770.00
Social Law Library	7,500.00
Mental Health	82,500.00
Pensions and Annuities	788,934.00
TOTAL	\$22,040,362.40

*Based on approved appropriations for the period, rather than actual expenditures.

County Court Receipts
(for eighteen months - January 1, 1973 - June 30, 1974)

Supreme Judicial Court	\$ 7,175.00
Superior Court	379,085.60
Municipal Court of the City of Boston	5,965,613.85
Housing Court of the City of Boston	22,103.62
Municipal Court of the Charlestown District	94,603.94
East Boston District Court	218,172.59
Municipal Court of the South Boston District	132,496.55
Municipal Court of the Dorchester District	246,708.61
Municipal Court of the Roxbury District	1,371,766.59
Municipal Court of the West Roxbury District	147,605.33
Municipal Court of the Brighton District	306,503.83
District Court of Chelsea	90,969.96
Boston Juvenile Court	300.00
TOTAL	\$8,983,105.47

WORCESTER
County Court Expenditure and County Court Receipts
(for eighteen months - January 1, 1973 - June 30, 1974)

Clerk of Courts	\$ 627,995.11
Probate Court and Registry .....	.990,365.87
Law Libraries .....	.117,785.04
Superior Court .....	.748,388.85
District Courts	4,589,976.09
Courthouse Maintenance and Operation	1,141,497.78
Interest Paid on Courthouse Bonded Debt .....	.705,782.22
Total Expenditures	\$8,921,790.96
Total Receipts from County Courts	\$ 924,794.32

Calculation of Cost Per Entry in Constant Dollars for Courts of the Commonwealth
1960 - 1974

Year	Total Cost (000's)	Boston Consumer Price Index*	Total Cost in 1967 Dollars** (000's)	Total Civil and Criminal Entries	Cost Per Entry In 1967 Dollars
1960	\$18,847	.865	\$21,788	607,552	\$35.86
1961	19,711	.877	22,475	633,712	35.47
1962	21,343	.896	23,820	675,260	35.28
1963	22,120	.914	24,201	730,530	33.13
1964	23,930	.927	25,814	806,902	31.99
1965	26,494	.945	28,036	870,894	32.19
1966	26,960	.977	27,595	948,347	29.10
1967	30,148	1.000	30,148	1,103,084	27.33
1968	34,536	1.041	33,176	1,122,989	29.54
1969	37,792	1.100	34,356	1,193,879	28.78
1970	43,599	1.167	37,360	1,376,016	27.15
1971	48,837	1.227	39,802	1,544,516	25.77
1972	53,294	1.271	41,931	1,749,418	23.97
1973	64,884	1.347	48,169	1,727,383	27.89
1974	78,376	1.497	52,355	1,727,660	30.30

* Source: U.S. Commerce Department (1967=1.00)

**Total Cost ÷ Consumer Price Index

Fiscal 1974 Expenditures of the Courts in the Commonwealth
(000's)

	Commonwealth	Suffolk County	Other Counties*	LEAA*	Totals
Supreme Judicial Court	3,141	309	0	0	3,450
Appeals Court	726	0	0	0	726
Probate Courts	3,791	151	2,443	0	6,385
Land Court	875	0	0	0	875
Housing Courts	0	243	52	0	295
Superior Court	2,169	5,130	7,457	0	14,756
County Clerks**	0	0	2,961	0	2,961
Juvenile Courts	0	739	1,643	0	2,382
Superior Court Probation	1,479	0	482	0	1,961
District Courts	154	6,544	20,810	0	27,508
Pensions, Libraries, Mental Health & Other	1,680	590	1,081	0	3,351
Maintenance and Interest Payments	515	1,061	9,467	0	11,043
Federal Projects	0	0	0	2,683	2,683
Totals	14,530	14,767	46,396	2,683	78,376

* Law Enforcement Assistance Administration (Federal Funds)

** Suffolk County expense for clerks not available

APPENDIX II
STATISTICS ON WORK ACCOMPLISHED
BY THE COURTS IN THE COMMONWEALTH

Total Civil and Criminal Entries in the Courts in the Commonwealth*

Civil Entries

	1973	1974
Superior Court	33,213	31,908
Land Court	6,116	7,048
Probate Courts	127,903	124,681
Boston Municipal Court	26,389	24,509
District Courts	197,363	196,398
Housing Courts	7,255	9,612
TOTAL	398,239	394,156

Criminal Entries

	1973	1974
Superior Court	19,653	17,503
Boston Municipal Court	299,510	260,527
District Courts	1,022,399	1,044,127
Juvenile Courts	7,582	11,347
TOTAL	1,329,144	1,333,504

Total Civil and Criminal Entries

	1973	1974
Superior Court	52,866	49,411
Land Court	6,116	7,048
Probate Courts	127,903	124,681
Housing Courts	7,255	9,612
Boston Municipal Court	325,899	285,036
District Courts	1,199,762	1,240,525
Juvenile Courts	7,582	11,347
TOTAL	1,727,383	1,727,660

* The entry totals do not include Supreme Judicial Court and Appeals Court entries. For the Superior Court, only indictments are included, and not appeals from the District Courts. In the Boston Municipal Court and the District Courts, the total represents net entries after removals.

SUPREME JUDICIAL COURT

(Statistics Reported for Fiscal Year 1974)

County	Opinions	Rescript	Total	Criminal
Barnstable	2	0	2	1
Berkshire	0	0	0	0
Bristol	8	1	9	1
Dukes	0	0	0	0
Essex	8	0	8	1
Franklin	0	0	0	0
Hampden	3	1	4	3
Hampshire	1	0	1	1
Middlesex	31	5	36	11
Nantucket	0	0	0	0
Norfolk	9	1	10	5
Plymouth	3	1	4	0
Suffolk	103*	12	115	51
Worcester	5	0	5	0
Totals	173*	21	194*	74*

* Does not include one (1) Suffolk County Criminal Case which was heard but for which no opinion has yet been released.

Record of Cases

Cases	Days from Entry-to Consideration	Average	Days from Consideration to Decision	Average	Days from Entry-to- Decision	Average
194	18,490	95.3	16,799	86.6	35,289	181.9
				%		No.
Decisions of lower court <i>modified and affirmed</i>				4		8
Decisions of lower court <i>affirmed</i>				52		101
Decisions of lower court <i>reversed</i>				27		52
No decision of lower court				14		27
Appeals dismissed				2		3
Exceptions dismissed				-		2
Petitions dismissed				1		1
				100		194
Cases argued				88		168
Submitted on briefs				6		13
Argued and briefs				6		13
				100		194

Supreme Judicial Court for the County of Suffolk

Law Docket

Petitions for admission to the bar	1,923
Appeals from the Appellate Tax Board	207
Applications for witness immunity orders	8
Petitions for extraordinary writs	151
Informations	17
Petitions under G.L. c.211, § 3	42
Petitions for declaratory relief or judgment	11
Bail proceedings	26
Petitions for review	7
Petitions for interlocutory appeals in criminal cases	25
Petitions relating to cases on appeal	39
Petitions for transfer under G.L. c.211, § 4A	4
Others	35
Total Entries on Law Docket	2,495

Equity Docket

Bills in equity and bills of complaint	17
Petitions for declaratory judgment or relief	41
Petitions for dissolution	32
Petitions for appeal	37
Petitions for suspension of decree	17
Petitions for stay	16
Petitions for review	12
Petitions for restraining order or injunctive relief	10
Petitions for transfer	9
Petitions for modification of decree	7
Others	21
Total Entries on Equity Docket	219
Total Entries on Both Dockets	2,714

APPEALS COURT

(Statistics Reported for Fiscal Year 1974)

County	Opinions	Rescript	Total	Criminal
Barnstable	1	2	3	-
Berkshire	3	0	3	1
Bristol	29	17	11	6
Dukes	0	1	1	-
Essex	7	14	20	3
Franklin	1	0	1	-
Hampden	6	5	10	3
Hampshire	0	1	1	-
Middlesex	29	33	65	11
Nantucket	0	1	1	-
Norfolk	16	12	28	5
Plymouth	6	2	8	2
Suffolk	45	39	86	46
Worcester	11	5	17	3
Totals	142	126	273*	80

* Includes 5 cases for which decisions have not yet been rendered.

Record of Cases

Cases	Days from Entry-to Consideration	Average	Days from Consideration to Decision	Average	Days from Entry-to- Decision	Average
263	42,901	160.08	34,249	127.79	77,150	287.87

	%	No.
Decisions of lower court <i>modified and affirmed</i>	11	30
Decisions of lower court <i>affirmed</i>	64	171
Decisions of lower court <i>reversed</i>	20	54
No decision of lower court	2	4
Appeals dismissed	3	9
	100	268*

* Does not include 5 cases for which no decisions have been rendered.

Cases argued	90	246
Submitted on briefs	6	16
Argued and briefs	4	11
	100	273

SUMMARY OF SUPERIOR COURT
CIVIL (Law and Equity) AND CRIMINAL STATISTICS

	1964	1973	1974
Trials during year by Superior Court Justices			
Civil.....	3,159	1,803	2,248
Criminal	2,018	2,197	2,006
Totals	5,177	4,000	4,254
New Cases			
Civil.....	42,441	33,213	31,908
Criminal	19,642	36,798	34,239
Totals	62,083	70,011	66,147
Cases disposed of			
Civil.....	41,311	33,073	31,406
Criminal	18,357	35,259	34,938
Totals	59,668	68,332	66,344

Summary of Civil Statistics

Law Cases

	1973	1974
On Hand start of year	64,795	63,670
Retransfers	1,814	1,523
Total Entries	25,337	23,154
Totals	91,946	88,347
Less disposed of	28,276	25,763
On hand end of year	63,670	62,584

Equity Cases

On hand start of year	13,994	17,015
Entries	7,876	8,754
Totals	21,870	25,769
Less disposed of	4,797	5,643
On hand end of year	17,073	20,126

Summary of Criminal Statistics

On hand start of year	33,488	35,035
Entries	36,798	34,239
Totals	70,286	69,274
Less disposed of	35,259	34,938
On hand end of year	35,027	<u>34,336</u>

CIVIL STATISTICS
IN THE SUPERIOR COURT FOR FISCAL YEAR 1974

	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	Total/State
Law															
Cases at start.	881	1,240	2,937	67	5,925	290	4,859	399	16,232	19	5,538	4,171	18,353	2,992	63,903
Prior year cases transferred	7	5	50	0	75	0	107	6	104	0	137	48	516	468	1,523
Cases entered	568	354	1,046	43	2,052	118	1,544	225	5,389	20	2,390	1,260	5,895	2,250	23,154
Total	1,456	1,599	4,033	110	8,052	408	6,510	630	21,725	39	8,065	5,479	24,764	5,710	88,580
Cases disposed of	459	368	1,493	21	3,012	100	2,387	213	6,093	4	2,342	970	5,387	2,914	25,763
Remaining undisposed of	997	1,231	2,540	89	5,040	308	4,123	417	15,632	35	5,723	4,509	19,377	2,796	62,817
 Trials by Superior Court Judges.	 36	 3	 149	 5	 190	 13	 182	 20	 190	 1	 156	 112	 271	 146	 1,474
Equity															
Cases at start.	691	391	730	58	998	66	598	157	3,905	6	1,595	1,446	5,526	848	17,015
Cases entered	438	145	694	31	847	33	406	68	1,726	12	663	619	2,193	879	8,754
Total	1,129	536	1,424	89	1,845	99	1,004	225	5,631	18	2,258	2,065	7,719	1,727	25,769
Cases disposed of	335	75	476	32	857	19	98	49	910	7	310	227	1,267	981	5,643
Remaining undisposed of	794	461	948	57	988	80	906	176	4,721	11	1,948	1,838	6,452	746	20,126
 Trials by Superior Court Judges.	 13	 4	 127	 0	 1	 8	 43	 0	 168	 4	 0	 56	 279	 71	 774
Total Civil Judge Days															
Days Superior Court Judge sat	86	13	253	16	392	30	303	28	917	2	296	229	865	314	3,744
Days District Court Judges sat in Motor Tort Cases.	0	0	0	0	30	0	9	0	194	0	0	31	244	15	523

TIME-LAG IN MONTHS FROM DATE OF ENTRY TO TRIAL

SUPERIOR COURT CIVIL CASES

(Counties in Which Sittings are Continuous or Practically so During the Court Session)

	1973	1974	% Change
Bristol	38.2	33.4	-13%
Essex	38.5	44.9	+17%
Hampden	40.0	46.0	+15%
Middlesex			
Cambridge	64.0	60.0	-7%
Norfolk	39.1	48.2	+23%
Suffolk	43.0	49.0	+14%
Worcester			
Worcester	33.0	36.0	+9%
Fitchburg	30.0	27.0	-10%

Time-Lag in Superior Court Civil Cases

County	Year	Total Jury Cases Triable at Issue and Awaiting Trial	Cases Under 12 Months Old	Cases Over 12 months Old	Per Cent Over 12 Months Old
Barnstable	1974	578	267	311	54%
	1973	518	202	316	61%
Berkshire	1974	860	249	611	71%
	1973	873	275	598	68%
Bristol	1974	1,408	573	835	59%
	1973	1,838	719	1,119	61%
Dukes	1974	55	11	44	80%
	1973	45	17	28	62%
Essex	1974	4,223	1,280	2,943	69%
	1973	3,493	1,069	2,424	69%
Franklin	1974	230	81	149	65%
	1973	243	77	166	68%
Hampden	1974	3,370	764	2,606	77%
	1973	4,204	999	3,205	76%
Hampshire	1974	327	147	180	55%
	1973	273	135	138	51%
Middlesex	1974	10,908	2,602	8,306	76%
	1973	12,441	3,069	9,372	75%
Nantucket	1974	36	19	17	47%
	1973	17	10	7	41%
Norfolk	1974	4,038	1,234	2,804	69%
	1973	3,972	1,234	2,738	69%
Plymouth	1974	3,431	844	2,587	75%
	1973	3,432	904	2,528	74%
Suffolk	1974	12,183	3,310	8,873	72%
	1973	10,094	3,033	7,061	69%
Worcester	1974	2,676	1,213	1,463	55%
	1973	2,931	1,567	1,364	47%
Totals	1974	44,323	12,594	31,729	72%
	1973	44,374	13,310	31,064	70%

Summary of Criminal Statistics 1970 - 1974*

	1970	1971	1972	1973	1974
On hand at first of year	18,306	22,659	28,318	33,488	35,035
Entries:					
Indictments Returned	14,473	19,470	20,856	18,876	17,105
Appeal Cases Entered	14,325	16,684	17,644	15,328	15,227
Actions on Bail Bonds	222	288	664	777	398
Disposed brt forward	1,367	1,348	1,218	1,340	1,245
Indictments Waived	537	578	902	477	258
Complaints after Waiver	0	0	18	0	6
Total Entries	30,924	38,353	41,302	36,798	34,239
Total on hand first of year plus total entries	49,320	61,032	69,620	70,286	69,274
Dispositions:					
Appeals Withdrawn Before Sitting	560	582	595	641	684
Appeals Withdrawn After Next Sitting	1,178	1,253	1,263	1,550	1,013
Appeals Withdrawn During Sitting	455	623	748	554	770
Disposed of	24,381	30,244	33,526	32,514	32,471
Total Dispositions	26,574	32,702	36,132	35,259	34,938
On hand end of year	22,656	28,330	33,488	35,027	34,336

* The figures above are those reported to the Executive Secretary by the clerks of the several counties. Since their receipt, a team from the Superior Court has visited some of the counties and has determined that the procedures used for reporting those statistics generally do not involve actual docket audits. Many cases are included which should have been dismissed or placed on file. The Executive Secretary is working with the Superior Court to revise this Report for the future.

CRIMINAL STATISTICS*
IN THE SUPERIOR COURT FOR FISCAL YEAR 1974

	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	Total/State
On hand at first of year	1,274	779	3,571	7	7,902	243	6,438	714	5,692	2	1,022	2,469	1,738	3,164	3,505
Entries:															
Indictments Returned	408	240	1,433	6	1,147	148	2,623	269	2,342	1	965	634	3,579	3,310	1,705
Appeal Cases Entered	803	231	1,536	43	1,440	222	1,125	476	2,165	14	1,315	1,010	2,623	2,224	15,227
Actions on Bail Bonds (Recog. Entered)	0	0	0	0	0	0	33	0	59	0	111	36	104	55	398
Disposed of in previous years - brought for redispotion.	1	0	36	0	34	0	42	0	95	0	32	363	492	150	1,245
Indictments Waived	3	0	58	0	23	2	14	0	9	0	43	0	0	106	258
Complaints after Waiver of Indictment	0	0	0	0	0	0	6	0	0	0	0	0	0	0	6
Total Entries.	1,215	471	3,063	49	2,644	372	3,843	745	4,670	15	2,466	2,043	6,798	5,845	34,239
Total on hand plus new entries	2,489	1,250	6,634	56	10,546	615	10,281	1,459	10,362	17	3,488	4,512	8,556	9,009	69,274
Dispositions:															
Appeals Withdrawn Before Sitting.	17	5	39	12	50	12	82	40	0	4	21	36	240	126	684
Appeals Withdrawn After Next Sitting	77	63	11	0	196	5	43	22	363	0	3	82	0	148	1,013
Appeals Withdrawn During Sitting.	93	11	175	0	85	27	15	36	41	0	106	100	0	81	770
Disposed of During Year	1,057	402	2,822	36	2,351	334	3,235	578	4,485	11	2,007	2,614	8,017	4,522	32,471
Total Dispositions.	1,244	481	3,047	48	2,682	378	3,375	676	4,889	15	2,137	2,832	8,257	4,877	34,938
Remaining at end of Year	1,245	769	3,587	8	7,864	237	6,906	783	5,473	2	1,351	1,680	299	4,132	34,336
Trials during year by Superior Court Justices	24	23	34	11	146	23	224	28	448	11	64	44	726	200	2,006
Trials during year by District Court Justices.	121	14	85	0	70	35	52	46	184	0	56	48	188	336	1,235
Days during which a Superior Court Justice Sat for Trials, Dispositions, or Redispositions	44	87	198	9	225	40	265	86	754	6	211	209	1,592	513	4,239
Days during which a District Court Justice Sat in Superior Court	37	15	64	0	96	26	55	41	98	0	58	55	137	188	870

* The figures above are those reported to the Executive Secretary by the clerks of the several counties. Since their receipt, a team from the Superior Court has visited some of the counties and has determined that the procedures used for reporting those statistics generally do not involve actual docket audits. Many cases are included which should have been dismissed or placed on file. The executive secretary is working with the Superior Court to revise this report for the future.

RELATIONSHIP BETWEEN SUPERIOR AND DISTRICT COURTS

Civil Cases Remanded

	To District Courts	To BMC	Total
1965	11,326	1,730	13,056
1966	10,502	1,461	11,963
1967	12,585	1,733	14,318
1968	12,234	2,663	14,897
1969	10,986	3,823	14,809
1970	10,137	2,048	12,185
1971	10,818	2,029	12,847
1972	10,925	2,192	13,117
1973	8,152	1,656	9,808
1974	7,202	820	8,022

Superior Court Trials to Verdicts or Findings After Findings Below

	Jury	Without Jury	Total
1965	215	31	246
1966	209	11	220
1967	259	37	296
1968	262	10	272
1969	248	21	269
1970	257	32	289
1971	214	21	235
1972	142	14	156
1973	102	9	111
1974	76	10	86

Law Actions Entered Superior Court

1965	39,523
1966	35,548
1967	34,730
1968	33,558
1969	34,381
1970	35,155
1971	36,453
1972	31,571
1973	25,337
1974	23,174

Removals

1965	10,929
1966	8,604
1967	9,016
1968	9,419
1969	10,438
1970	11,228
1971	11,852
1972	9,556
1973	6,982
1974	5,609

APPELLATE DIVISION

(Statistics Reported for the Period July 1, 1973 through June 30, 1974)

	Sentences
As of June 30, 1973 appeals were pending for review of.	374
During the period July 1, 1973 to June 30, 1974 appeals were entered for review of.	496
Total	870
Appeals were withdrawn which related to.	140
Appeals became moot which related to.	4
Appeals were dismissed as to.	232
Sentences reduced.	34
Sentences increased.	1
Appeals pending on June 30, 1974 as to.	459
Total	870

*(Of these pending cases Appeals as to 164 sentences have been removed from the hearing list at the request of the Appellants and will be restored upon Appellants' motions.)

The Appellate Division was in session thirteen (13) days.

LAND COURT

(Comparison Five Years - July 1, 1969 - - June 30, 1974)

	69-70	70-71	71-72	72-73	73-74
Land Registration	461	413	356	359	445
Land Confirmation	32	34	37	52	70
Land Registration, Sub.	1,223	1,255	1,617	1,690	1,579
Tax Lien	816	816	579	931	1,221
Equity & Misc.	2,623	2,711	2,983	3,084	3,733
Total Entered	5,155	5,229	5,572	6,116	7,048
Decree Plans Made.	406	444	451	406	435
Subdivision Plans Made.	564	606	764	555	795
Total Plans Made.	970	1,050	1,215	961	1,230

Cases Disposed of by Final Order, Decree or Judgment Before Hearing

Land Registration	406	403	971	376 ^a	610 ^c
Land Confirmation	36	30	29	43	70
Land Registration, Sub.	1,223	1,255	1,617	1,690	1,458
Tax Lien	625	502	988 ^b	783	1,242 ^d
Equity & Misc.	1,815	2,062	2,050	1,855	6,690 ^e
Total Cases Disposed of.	4,105	4,252	5,655	4,747	10,070

Cases Pending Before the Court as of June 30, 1974

Land Registration	1,824
Tax Lien	2,547
Land Registration, Subsequent Petitions.	121
Equity & Miscellaneous.	3,059
Total Cases Pending as of June 30, 1974.	7,551

^a Includes 5 cases dismissed for lack of prosecution.

^b Includes 110 cases dismissed of which 50 were dismissed under Rule 85 and 60 dismissed for lack of prosecution.

^c Includes 242 cases dismissed under Rule 85.

^d Includes 249 cases dismissed under Rule 85.

^e Includes 4,813 cases dismissed under Rule 85.

Extracts from the Reports of Registers of Probate for the Year Ending December 31, 1973

	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	Totals
Original entries (including divorce)	3,629	3,305	9,254	358	14,148	1,729	9,524	2,530	30,395	179	13,050	8,363	17,710	13,238	127,412
Administration allowed	97	218	782	21	1,034	120	645	150	1,873	22	827	603	1,459	1,263	9,114
Wills allowed	578	363	861	62	1,468	190	887	283	2,955	31	1,394	752	1,187	1,371	12,382
Guardianships (minor)	42	55	161	2	202	30	169	60	260	1	172	128	196	209	1,687
Guardianships (mentally ill)	17	6	28	1	52	11	29	8	115	0	31	22	92	104	516
Conservators Decrees	44	59	111	11	219	24	152	38	540	1	200	90	248	233	1,970
Accounts & Distribution Decrees	641	693	1,111	67	1,915	404	1,776	429	8,892	38	2,631	1,102	3,441	1,178	24,318
Trustees Decrees	33	36	93	1	150	13	69	17	313	1	189	81	165	171	1,332
Equity Decrees	26	18	67	2	97	6	53	20	268	2	67	43	144	53	866
Restraining Orders, etc. Decrees	12	0	4	2	131	1	47	24	75	0	66	65	24	43	494
Pro Confesso Decrees	13	0	0	0	21	0	23	15	120	2	16	3	15	0	228
Partitions	47	6	5	1	18	5	4	4	61	1	32	25	4	0	213
Real Estate Sales	132	109	489	24	565	65	406	99	1,124	11	460	352	429	501	4,766
Separate Support	13	44	63	3	44	3	31	1	1,665	0	25	38	267	175	2,372
Contempts & Modifications	1	15	15	1	0	2	0	0	644	0	61	23	168	164	1,094
Petitions dismissed	49	16	231	7	494	8	0	0	443	0	176	575	440	425	2,864
Desertion & Living Apart (allowed)	0	0	3	0	2	0	0	4	10	1	0	0	0	0	20
Custody - Minors (allowed)	3	8	13	0	17	5	6	0	24	3	16	9	50	0	154

Extracts from the Reports of Registers of Probate for the Year Ending December 31, 1973

	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	Totals
Divorce:															
Original Entries	578	667	1,775	40	2,159	341	2,165	552	4,738	29	1,787	1,628	2,425	2,883	21,767
Decrees nisi	415	276	1,416	36	1,386	268	1,194	402	3,354	26	1,249	1,078	1,650	1,892	14,642
Decrees dismissed	88	98	222	30	178	69	243	73	726	9	296	280	895	307	3,514
Other Decrees & Orders (including modifications & contempts, etc.) ..	423	202	819	39	966	225	1,043	460	3,980	17	1,431	1,599	4,105	1,268	16,577
Dismissed under Rule 48	96	61	198	0	335	20	296	45	0	6	0	217	466	401	2,141
Adoptions	86	84	208	3	370	61	373	83	981	7	359	347	394	520	3,876

STATISTICS FOR THE DISTRICT COURTS OF MASSACHUSETTS FOR THE YEAR ENDING JUNE 30, 1974, AS REPORTED BY THE CLERKS OF SAID COURTS

Compiled by the office of the Chief Justice of the District Court

Note: "Drunkennes," reported in earlier years, is no longer a crime. See Chapter 1076 of the Acts of 1971, effective July 1, 1973.

BOSTON MUNICIPAL COURT

Civil Business

1973 1974

Actions entered:

Contract	20,187	19,488
Tort	2,951	1,701
Contract or Tort	295	230
All Others	755	632
Total Actions Entered	24,188	22,051

Actions removed to Superior Court:

Contract	623	584
Tort	411	317
Contract or Tort	58	40
All Others	6	8
Total Actions Removed	1,098	949

Net entries after removals:

Contract	19,564	18,904
Tort	2,540	1,384
Contract or Tort	237	190
All Others	749	624
Total Entries for year (not including small claims, supplementary process and reciprocal support cases)	23,090	21,102

Actions defaulted:

Contract	12,277	11,969
Tort	823	385
Contract or Tort	69	52
All Others	164	151
Total Actions Defaulted	13,333	12,557

Trials:

Contract	1,288	1,515
Tort	1,257	1,221
Contract or Tort	46	53
All Others	301	147
Total Trials	2,892	2,936

Civil Business (continued)

	1973	1974
Supplementary process cases entered	1,390	1,417
Small Claims cases entered	1,665	1,770
Reciprocal support cases entered.	244	220
Total supplementary process, small claims and reciprocal support	3,299	3,407
Total Civil Entries (Civil actions, supplementary process, small claims and reciprocal support)	26,389	24,509
Transferred from Superior Court.	1,656	820

Criminal Business

	1973	1974
Complaints granted by the Court:		
Automobile Violations	8,145	9,884
Domestic Relations	116	137
Drunkeness in Court	1,932	0
Pedestrian Violations.	0	90
Other Criminal Cases.	7,247	9,971
Total	17,440	20,082
Net Arrested, Pending Trial.	4,966	7,433
Trials by the Court:		
Pleaded Guilty.	6,752	6,691
Pleaded Not Guilty	5,722	5,958
Total	12,474	12,649
Disposition of complaints tried by the Court:		
Placed on file, dismissed, etc.	3,079	2,105
Defendants Acquitted	1,154	1,050
Bound over to Grand Jury.	551	671
Placed on Probation (not including surrenders).	2,288	2,240
Defendants fined.	4,414	5,439
Fines Appealed	215	286
Imprisonments	406	135
Imprisonments Appealed.	367	723
Pending for sentence	0	0
Total	12,474	12,649

Criminal Business (continued)

	1973	1974
Court complaints made concerning parking tags	282,070	240,445
Total Complaints.	299,510	260,527

Cases Processed Under the Uniform Reciprocal Support Act, Chapter 273A For the Period July 1, 1973 through June 30, 1974

Petitions initiated for petitioners residing in Boston (initiating)	14
Petitions received from other states (responding)	206 *
Total petitions processed.	220

Support payments collected by the Probation Department:

For dependents residing in Boston (initiating).	\$ 34,371.37
For dependents residing in other states (responding).	\$ 89,559.03
Total collections	\$123,930.40

* 163 Petitions forwarded here in error - transferred or redirected to other courts.

BOSTON HOUSING COURT

New Entries

Criminal Cases.	4,708
Summary Process Cases.	1,249
Law Cases	252
Equity Cases	1,046
Total of New Entries.	7,255

HAMPDEN COUNTY HOUSING COURT

New Entries

Criminal Cases.	452
Small Claims	371
Summary Process Cases.	272
Law - Equity Cases	109
Total of New Entries.	1,204

BOSTON JUVENILE COURT

Complaints:	Boys	Girls	Total
Juvenile			
Juvenile Criminal.	56	0	56
Delinquent	1,972	555	2,527
CHINS.	81	59	140
Appellate Division.	17	1	18
Total	2,126	615	2,741

	Men	Women	Total
Adult.	2	2	4

	No. of Complaints	Number of Chrn. Rept.
Children in Need of Care & Protection . .	91	152

Total Number of All Complaints

Juvenile.	2,741
Adult.	4
Children in Need of Care & Protection	91
Total.	2,836

Judicial Determinations* 12,629 hearings

- * Judicial Determinations: Include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders and all changes in cases, such as custody arraignments, surrenders and continuances for case records.

BRISTOL COUNTY JUVENILE COURT

	Boys	Girls	Total
Complaints:			
Juvenile			
Juvenile Criminal.....	2	0	2
Delinquent	3,363	459	3,823
Total	3,366	459	3,825

	Men	Women	Total
Adult.....	7	16	23

	Boys	Girls	Total
Children in Need of Care & Protection	28	15	43

Total Number of All Complaints

Juvenile.....	3,825
Adult.....	23
Children in Need of Care & Protection	43
Total	3,891

Judicial Determinations*.....	11,567
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* Judicial Determinations: Include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders and all changes in cases, such as custody arraignments, surrenders and continuances for case records.

SPRINGFIELD JUVENILE COURT

Complaints:	Boys	Girls	Total
Juvenile			
Juvenile Criminal.	3	0	3
Delinquent	1,641	220	1,861
CHINS.	42	54	96
Wayward	0	0	0
Total	1,686	274	1,960

	Men	Women	Total
Adult.	12	3	15

	No. of Complaints	Number of Chrn. Rept.
Children in Need of Care & Protection	69	142

Total Number of All Complaints

Juvenile	1,861
Adult.	15
Children in Need of Care & Protection	69
CHINS.	96
Total	2,041

Judicial Determinations*	8,735
------------------------------------	-------

* Judicial Determinations: Include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders and all changes in cases, such as custody arraignments, surrenders and continuances for case records.

WORCESTER JUVENILE COURT

	Boys	Girls	Total
Complaints:			
Juvenile			
Juvenile Criminal.....	21	0	21
Delinquent	2,082	324	2,406
Wayward	0	0	0
Total	2,103	324	2,427

	Men	Women	Total
Adult	3	5	8

	Families	Petitions
Children in Need of Care & Protection		
Issued July 1, 1973 to June 30, 1974	19	43
Pending from previous year	33	101
Totals	52	144

Total Number of All Complaints

Juvenile Criminal.....	21
Delinquency	2,406
Adult.....	8
Children in Need of Care & Protection	144
Total	2,579

Judicial Determinations*.....	7,790
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- * Judicial Determinations: Include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders and all changes in cases, such as custody arraignments, surrenders and continuances for case records.

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